

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

NICOLE GILILLAND, an individual,

Plaintiff,

vs.

SOUTHWESTERN OREGON COMMUNITY COLLEGE DISTRICT by and through its BOARD OF EDUCATION, an Oregon community college district and board; SOUTHWESTERN OREGON COMMUNITY COLLEGE, an Oregon community college; PATTY SCOTT, an individual; TIM DAILEY, an individual; FRANCISCO SALDIVAR, an individual; SUSAN WALKER, an individual; MELISSA SPERRY, an individual; PAMELA WICK, an individual,

Defendants.

March 12, 2021 - 10:32 a.m.

Held through a Zoom videoconference

Reporter: VICKY McDANIEL, CSR, RMR

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

NICOLE GILILLAND

Examination by Mr. Reese

EXHIBITS MARKED

NUMBER

DESCRIPTION

PAGE

43

4/13/17 e-mail from Ms. Gililland to Anny Mueller Re: Grading

25

44

8/8 and 8/9/17 e-mail exchange between Ms. Gililland and Gary Will Re: Grade

27

45

10/2/17 e-mail from Ms. Gililland to C. Alexander Re: Late work

59

46

11/15/07 e-mail to Robin Finney from Ms. Gililland Re: Lecture today

62

47

2/3/18 e-mail from Ms. Gililland to Melissa Sperry Re: Journal entry

64

48

3/20/18 e-mail to Melissa Sperry and Susan Walker Re: What would you prefer?

65

49

3/12/18 e-mail from Ms. Gililland to Melissa Sperry Re: Lecture today

66

50

11/20/17 e-mail from Ms. Gililland to Christina Alexander Re: Book report

67

51

4/9/18 e-mail from Ms. Gililland to Susan Walker and Melissa Sperry Re: Kidney infection

70

52

E-mail chain ending 4/16/19 from Melissa Sperry to Ms. Gililland Re: Appointment

72

53

e-mail chain ending 4/26/18 to Robin Finney from Ms. Gililland Re: Grade

122

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A P P E A R A N C E S

FOR THE PLAINTIFF:

BRANDON J. MARK, ESQ.

PARSONS BEHLE & LATIMER

201 South Main Street, Suite 1800

Salt Lake City, Utah 84111

Tel: (801) 532-1234

Fax: (801) 536-6111

bmark@parsonsbhele.com

FOR THE DEFENDANTS:

LUKE W. REESE, ESQ.

GARRETT HEMANN ROBERTSON P.C.

1011 Commercial Street N.E.

Salem, Oregon 97301-1049

Tel: (503) 581-1501

Fax: (503) 581-5891

lreese@ghrlawyers.com

ALSO PRESENT: Jonathan Lyon

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

EXHIBITS MARKED (Continued)

NUMBER

DESCRIPTION

PAGE

54

5/2/18 e-mails between Ms. Gililland and Francisco Saldivar Re: Rate My Professor

124

55

5/7/18 e-mail from Ms. Gililland to Mr. Francisco, forwarded to others Re: Update needed

127

56

Messages between Ms. Gililland and Dave Bowman

137

57

5/16/18 e-mail from Ms. Gililland to Pam Wick, forwarded to Susan Walker, Tim Dailey and Francisco Saldivar

144

58

E-Mail chain ending 5/23/18 from Ms. Gililland to Susan Walker Re: Advisory appointment

151

59

"To Whom it May Concern" letter

165

60

5/25/18 e-mail from Tim Dailey to Ms. Gililland, with discrimination attachments

165

61

e-mail chain ending 5/22/18 from Melissa Sperry to Salvidar, Dailey, Walker Re: Melissa Sperry's feedback

172

62

5/22/18 e-mails between Melissa Sperry and Ms. Gililland Re: Ticket out of class assignments

174

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

3

4

5

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 NICOLE GILILLAND,</p> <p>3 called as a witness, having been first remotely</p> <p>4 duly sworn, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. REESE:</p> <p>7 Q. Good morning, Ms. Gililland. My name is</p> <p>8 Luke Reese, and I represent Southwestern Oregon</p> <p>9 Community College, Patty Scott, Tim Dailey, Francisco</p> <p>10 Saldivar, Susan Walker, Melissa Sperry, and Pamela</p> <p>11 Wick in the lawsuit that you have filed against all</p> <p>12 of them.</p> <p>13 Do you mind stating your name and spelling</p> <p>14 it for the record?</p> <p>15 A. Nicole Gililland. It's N-i-c-o-l-e,</p> <p>16 G-i-l-i-l-l-a-n-d.</p> <p>17 Q. And this is the first time we've had an</p> <p>18 opportunity to meet, so the first thing I wanted to</p> <p>19 do is make sure that I'm pronouncing your name</p> <p>20 correctly. Gililland? Okay. Can you say it for me?</p> <p>21 A. It's "gil-ill-and." So Gililland.</p> <p>22 Q. Gililland. All right.</p> <p>23 A. Yes.</p> <p>24 Q. I will do my best, and I apologize if I'm</p> <p>25 fumbling with it a little bit.</p>	<p>7</p> <p>1 free to ask. I'm more than happy to clarify. The</p> <p>2 key for this deposition process is that we understand</p> <p>3 one another. So I'll do the same thing; if I don't</p> <p>4 understand your question, I'll be sure to make sure</p> <p>5 that I ask to clarify as well.</p> <p>6 How many eviction matters have you been</p> <p>7 involved in?</p> <p>8 A. Just the one in Coos Bay after I decided</p> <p>9 to sue the school.</p> <p>10 Q. Okay. So sometime after June of 2018?</p> <p>11 A. Yes.</p> <p>12 Q. Any other lawsuits that you've been a</p> <p>13 party to? I'm sorry; I didn't catch that.</p> <p>14 A. No.</p> <p>15 Q. That brings up another issue that we're</p> <p>16 going to have to be mindful of today. Because of</p> <p>17 obvious safety concerns, we're doing this via Zoom.</p> <p>18 Inevitably, there might be some technology issues</p> <p>19 like what occurred right there. If I can't</p> <p>20 understand what you've said or there's a glitch or</p> <p>21 something occurs, I'll be sure to ask you to repeat</p> <p>22 your answer. Same thing for you; if you can't</p> <p>23 understand what I'm saying or there's a technology</p> <p>24 issue, let me know. Wave your hands. We will take a</p> <p>25 break and we'll get it figured out to make sure that</p>
<p>6</p> <p>1 A. I'm actually going back to my maiden name,</p> <p>2 which is Westfall, so I'll help you out shortly with</p> <p>3 something much easier.</p> <p>4 Q. No problem. What would you prefer that I</p> <p>5 call you today?</p> <p>6 A. For now Gililland is fine.</p> <p>7 Q. Okay. Ms. Gililland, have you ever had</p> <p>8 your deposition taken before?</p> <p>9 A. No, no deposition, just testimony.</p> <p>10 Q. Okay. And when you're referring to</p> <p>11 testimony, is that in connection with the DHS matters</p> <p>12 that you've been involved in?</p> <p>13 A. And custody and eviction and, yeah, quite</p> <p>14 a bit of things happening in Oregon. So yes --</p> <p>15 Q. Okay.</p> <p>16 A. -- a lot of testimony.</p> <p>17 Q. Have you been a party of any other</p> <p>18 lawsuits besides the one that we're here to discuss</p> <p>19 today?</p> <p>20 A. No.</p> <p>21 Q. You mentioned eviction matters. Were you</p> <p>22 the person being evicted?</p> <p>23 A. Yes. Is that a lawsuit?</p> <p>24 Q. It could be. And for what we're dealing</p> <p>25 with today, if you have any questions like that, feel</p>	<p>8</p> <p>1 we're all communicating well today. Okay?</p> <p>2 A. Sounds good.</p> <p>3 Q. I'm here in my office in Oregon. Where</p> <p>4 are you physically located?</p> <p>5 A. Downtown Salt Lake City. We're in</p> <p>6 Brandon's office building.</p> <p>7 Q. Great. And Brandon is your attorney,</p> <p>8 Mr. Mark?</p> <p>9 A. Yes.</p> <p>10 Q. Is anyone else in the room with you?</p> <p>11 A. Yes. My significant other, Jonathan.</p> <p>12 Q. And what's Jonathan's last name?</p> <p>13 A. Lyon.</p> <p>14 Q. Okay. Was Jonathan involved at all with</p> <p>15 your interactions at SWOCC, and by "SWOCC" I mean</p> <p>16 Southwestern Oregon Community College?</p> <p>17 A. He was a support system. He wasn't</p> <p>18 directly involved.</p> <p>19 Q. Okay. Were you and Mr. Lyon together in</p> <p>20 2018?</p> <p>21 A. No. We've been friends for ten years, and</p> <p>22 we got together when I moved back.</p> <p>23 Q. Okay. And what's -- is Mr. Lyon here</p> <p>24 today just to support you through this process, or</p> <p>25 does he have any information that might be helpful to</p>

<p>9</p> <p>1 refresh your memory about what occurred during your 2 time at SWOCC?</p> <p>3 A. No, just a purely supportive role.</p> <p>4 Q. Okay. Other than Mr. Lyon and your 5 attorney, have you spoken to anyone about your 6 deposition today?</p> <p>7 A. Generally, not in specifics.</p> <p>8 Q. Did you reach out to anyone to try to 9 refresh your memory about the events that took place 10 back in your time at SWOCC?</p> <p>11 A. No.</p> <p>12 Q. Did you review any documents to refresh 13 your memory in preparation of today's deposition?</p> <p>14 A. I just went over the nursing board 15 complaint.</p> <p>16 Q. And when you say "the nursing board 17 complaint," what documents were you reviewing?</p> <p>18 A. The nursing board complaint, the initial 19 complaint to the nursing board about -- it was a 20 narrative about what had taken place, what brought 21 the nursing board to SWOCC.</p> <p>22 Q. And is that a narrative that you prepared?</p> <p>23 A. Yes.</p> <p>24 Q. Do you have the copy of the narrative that 25 you reviewed with you right now?</p>	<p>11</p> <p>1 to give me your best understanding of what you recall 2 happening.</p> <p>3 A. Yes.</p> <p>4 Q. I also want you to make sure that you're 5 clarifying for me whether you have an independent 6 memory as you sit here today versus looking back at 7 documents and having to rely on those. Does that 8 make sense?</p> <p>9 A. Yes, absolutely.</p> <p>10 Q. Perfect. Have you ever filed bankruptcy?</p> <p>11 A. Yes.</p> <p>12 Q. When did you file bankruptcy?</p> <p>13 A. When I was pregnant with my first 14 daughter.</p> <p>15 Q. What year was that?</p> <p>16 A. 2013.</p> <p>17 Q. Okay. Any subsequent filings?</p> <p>18 A. No.</p> <p>19 Q. It's also important that I make sure that 20 today's a good day for me to get your best, fullest, 21 and most complete testimony. Are you on any 22 medications that impact your memory or ability to 23 recall events?</p> <p>24 A. No.</p> <p>25 Q. Anything going on in your life that has</p>
<p>10</p> <p>1 A. Yeah. I just reviewed it.</p> <p>2 Q. Great. Are there -- on a lot of the 3 documents that we've exchanged in this lawsuit 4 there's numbers at the bottom right-hand side. We 5 call them Bates numbers. Does the narrative that you 6 reviewed have any Bates numbers on it?</p> <p>7 A. 004062. Oh, SWOCC-004062. Oh, that was 8 the last page. The first page is SWOCC-004057.</p> <p>9 Q. Okay. Did you review any documents other 10 than the narrative you provided to the nursing board?</p> <p>11 A. No.</p> <p>12 Q. All right. We're going to go through your 13 time at SWOCC, and we're doing that because this is 14 my opportunity to understand your testimony in 15 support of your lawsuit. I anticipate showing you 16 some documents through this process. Because of the 17 format, I'll be doing that by sharing my screen. 18 When I do, make sure that you have an opportunity to 19 review it and see it. If you'd like me to manipulate 20 it, move it up or down, Zoom in on something, just 21 let me know.</p> <p>22 The purpose is to help refresh your 23 memory, so I want to make sure that you have an 24 opportunity to review what documentation we have from 25 events that occurred maybe two, three, four years ago</p>	<p>11</p> <p>1 particular stressors on you today that would make 2 giving accurate testimony difficult?</p> <p>3 A. I have a busy schedule, but it's not 4 unhappy.</p> <p>5 Q. Sure. Anything going on in your life 6 that's impacting your ability to recall events?</p> <p>7 A. Again, I have a very busy schedule. I go 8 to school full time, work full time, preparing for 9 law school and have kids. But all good.</p> <p>10 Q. Sure. Where are you going to school 11 currently?</p> <p>12 A. I'm about to graduate next month with my 13 bachelor's from Southern New Hampshire University.</p> <p>14 Q. Is that online?</p> <p>15 A. Yes.</p> <p>16 Q. How long --</p> <p>17 A. Everything is right now.</p> <p>18 Q. How long have you been attending Southern 19 New Hampshire?</p> <p>20 A. Two years.</p> <p>21 Q. Are you pursuing any particular degree?</p> <p>22 A. Political science, a bachelor's. I'm 23 finishing it, like I said.</p> <p>24 Q. Earlier in this litigation process we had 25 requested several documents from you, and one of them</p>

<p style="text-align: right;">13</p> <p>1 was grade transcripts from any studies that you're 2 currently going through. I appreciate perhaps you 3 had -- didn't have grades previously, but I don't 4 believe we received any. Would you be able to get 5 your attorney the transcripts for your coursework at 6 Southern New Hampshire?</p> <p>7 A. Oh, of course. I've already -- yeah, I'm 8 graduating summa cum laude next month at the top of 9 my class, so I won't have any problem getting 10 transcripts sent, but I thought that I -- maybe not 11 official transcripts. I sent grades. But, yeah, I 12 can definitely get complete transcripts.</p> <p>13 Q. Okay. From the time that you left SWOCC 14 until starting at Southern New Hampshire, did you 15 attend any other schools?</p> <p>16 A. No.</p> <p>17 Q. And you mentioned you have aspirations of 18 attending law school. Have you started the 19 application process at all?</p> <p>20 A. Yeah. I'm already done.</p> <p>21 Q. Where -- have you accepted a position with 22 any schools?</p> <p>23 A. No. The 14 law schools that I applied to, 24 half of which were schools that reached out to me 25 based on my GPA and LSAT score and offered</p>	<p style="text-align: right;">15</p> <p>1 Jonathan. That's just since October, though.</p> <p>2 Q. Anyone else in the house?</p> <p>3 A. My children.</p> <p>4 Q. How many children do you have?</p> <p>5 A. I have two daughters.</p> <p>6 Q. How old are they?</p> <p>7 A. Seven and four.</p> <p>8 Q. Do you currently have an e-mail address?</p> <p>9 A. It's my first name, Nicole; my last name, 10 Gililland; the numbers 15@gmail.com.</p> <p>11 Q. Okay. And I'm curious the e-mail 12 addresses that you have used since starting your 13 enrollment at SWOCC until now. So other than that 14 one, any other e-mail addresses that you've used from 15 2017 to the current?</p> <p>16 A. My school e-mail is nicole.gililland@ 17 snhu.edu. There's Nicolewestfall1987@gmail.com, and 18 westfall77@yahoo.com, but that's my old -- I think 19 that about covers it. Yeah.</p> <p>20 Q. Okay. You also used a SWOCC e-mail 21 address while a student there?</p> <p>22 A. I don't remember what that was, but I did 23 have a SWOCC e-mail. So --</p> <p>24 Q. And I understand you are active on social 25 media. Do you use Facebook?</p>
<p style="text-align: right;">14</p> <p>1 scholarships, so I'm just waiting. So I applied to 2 seven of those that I chose and then seven that I had 3 chosen prior to the offers. So it was 14 total, and 4 those were just submitted last month, and should 5 being getting responses by the end of March.</p> <p>6 Q. Okay. So to make sure I understand: 7 you've been admitted to seven law schools and you're 8 waiting to hear from seven others?</p> <p>9 A. No. I've received seven offers from law 10 schools, so not necessarily admissions, but offers to 11 apply with potential for full scholarship based on my 12 merits.</p> <p>13 Q. Okay. And the plan is to start law school 14 in the fall of 2021 semester?</p> <p>15 A. Yes.</p> <p>16 Q. And you're currently living in Utah?</p> <p>17 A. Yes.</p> <p>18 Q. What's your current address?</p> <p>19 A. It's 3510 South 300 East, Salt Lake City, 20 Utah 84115.</p> <p>21 Q. How long have you been living in Utah?</p> <p>22 A. Since the beginning of -- middle of 23 January of 2020.</p> <p>24 Q. And who do you live with?</p> <p>25 A. Currently I live with my partner,</p>	<p style="text-align: right;">16</p> <p>1 A. Yes.</p> <p>2 Q. And what's your Facebook user name?</p> <p>3 A. I don't know what the user name is. My 4 name on there is under Niki Westfall.</p> <p>5 Q. Okay. What about Instagram?</p> <p>6 A. I have one that I set up based on 7 recommendation from a reporter to, like, claim my 8 name, stage name that he asked me to do, but I've 9 never used it beyond setting it up. So I'm not 10 really on Instagram.</p> <p>11 Q. Do you know what the name is of that 12 account that you don't really use?</p> <p>13 A. I think it was like "Real Bree Bear" or 14 something along those lines.</p> <p>15 Q. Any other social media platforms that you 16 participate on?</p> <p>17 A. Twitter.</p> <p>18 Q. And what's your Twitter handle?</p> <p>19 A. NicoleG_801.</p> <p>20 Q. Any others? Periscope, TikTok, anything 21 like that?</p> <p>22 A. I do have a Snapchat, but I don't use it 23 to communicate with other people. I have no friends 24 on it. It's just for my girls and I to play with 25 filters when they want to be goofy.</p>

<p style="text-align: right;">17</p> <p>1 Q. Sure. And cell phone numbers that you've</p> <p>2 used since your time at SWOCC until now?</p> <p>3 A. Same one: (801) 710-5678.</p> <p>4 Q. Do you text message as a way of</p> <p>5 communicating with folks? Is that yes?</p> <p>6 A. Yes.</p> <p>7 Q. Sorry. Again, I'm not trying to be --</p> <p>8 A. Oh, no. You're totally fine. I've been</p> <p>9 watching the last couple of days, so I totally get</p> <p>10 the Zoom, the Zoom dilemma. I've been seeing it</p> <p>11 firsthand.</p> <p>12 Q. We do have a bit of information to cover</p> <p>13 today. I'll try to take breaks every hour or so to</p> <p>14 give everyone some opportunity to rest their eyes.</p> <p>15 You're also free to take a break at any time. Just</p> <p>16 let me know, and we can go off the record and you can</p> <p>17 confer with your attorney or do whatever you need to</p> <p>18 do.</p> <p>19 A. Sounds good.</p> <p>20 Q. So I understand you first enrolled at</p> <p>21 SWOCC in the summer 2016 term. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And what brought you to that college?</p> <p>24 A. My divorce. I was pregnant with my second</p> <p>25 daughter. My husband -- we lived in Utah. He -- I</p>	<p style="text-align: right;">19</p> <p>1 you came to Coos Bay because of your family and ended</p> <p>2 up going to school there, as opposed to coming to</p> <p>3 Coos Bay specifically to go to SWOCC?</p> <p>4 A. No, SWOCC was a big part of it. I mean,</p> <p>5 I -- there was no situation that was going to be</p> <p>6 ideal. And being a paramedic and not being able to</p> <p>7 stay in Utah where my license was wasn't helpful, and</p> <p>8 reciprocity for paramedics is a nightmare from state</p> <p>9 to state. So when I -- I was already planning on</p> <p>10 going into nursing. It made a lot more sense than</p> <p>11 paramedic for a mom, especially, because you can go</p> <p>12 into office work where you're working nine to five</p> <p>13 instead of a paramedic where you're working 24, 48,</p> <p>14 72 hours. So going to SWOCC and becoming a nurse was</p> <p>15 pretty much the goal from the draw. So --</p> <p>16 Q. Did you do any research into the nursing</p> <p>17 program at SWOCC that made it more attractive than</p> <p>18 other programs, anything like that?</p> <p>19 A. It was more about what could work and</p> <p>20 given the situation. So no, it wasn't like, "that's</p> <p>21 the one." It was a "that will do" in my current</p> <p>22 situation and how complicated and difficult it is.</p> <p>23 Q. So you have all of the complicating</p> <p>24 factors going on in your life and you move to Coos</p> <p>25 Bay. It sounds like you started classes at SWOCC</p>
<p style="text-align: right;">18</p> <p>1 left him and we moved to Oregon because that is where</p> <p>2 my fairly estranged family lives; but I didn't have</p> <p>3 very many options with a toddler and being six months</p> <p>4 pregnant and leaving an abusive situation, so I ended</p> <p>5 up in a Coos Bay.</p> <p>6 Q. Okay. And your ex-husband, what's his</p> <p>7 name?</p> <p>8 A. Daymon Gililland.</p> <p>9 Q. So when did you divorce Daymon?</p> <p>10 A. The divorce was filed I believe, not sure,</p> <p>11 I think in June, right around the time I enrolled at</p> <p>12 SWOCC, and was finalized maybe later that fall.</p> <p>13 Q. Do you recall in what state the divorce</p> <p>14 was filed?</p> <p>15 A. Utah.</p> <p>16 Q. So you filed for divorce sometime that</p> <p>17 fall, moved to Coos Bay in the summer of 2016?</p> <p>18 A. I didn't file for divorce, Daymon did. I</p> <p>19 left him and moved to Oregon, but yes.</p> <p>20 Q. Moved to Oregon with your daughters and</p> <p>21 you said to be -- because you had estranged family</p> <p>22 here. Did you move in with your family?</p> <p>23 A. I have a fifth-wheel trailer that -- we</p> <p>24 lived in their driveway.</p> <p>25 Q. Okay. Is it a fair summary to say that</p>	<p style="text-align: right;">20</p> <p>1 shortly after moving to the area. Is that right?</p> <p>2 A. Yes.</p> <p>3 Q. And you started in the general -- the</p> <p>4 general ed program. Right?</p> <p>5 A. Yes. I was doing all my prerequisites for</p> <p>6 the nursing program.</p> <p>7 Q. Okay. So in order to be eligible to the</p> <p>8 nursing program, you had to satisfy certain</p> <p>9 prerequisites. Generally speaking, what were those</p> <p>10 prerequisites you needed to complete?</p> <p>11 A. There's like microbiology. Just a bunch</p> <p>12 of random ones. The big one was anatomy and</p> <p>13 physiology. But their teacher -- which originally</p> <p>14 they wouldn't transfer my credits from Weber State,</p> <p>15 which I had done A&P there because I became a</p> <p>16 paramedic there; but their transcript evaluator</p> <p>17 wasn't going to let me transfer the A&P credits, but</p> <p>18 their A&P professor met with me and kind of quizzed</p> <p>19 me, and I was already in his microbiology class and</p> <p>20 got an A in it. He read the material from Weber</p> <p>21 State and ultimately made the decision to let those</p> <p>22 credits transfer. So -- but that was a big one in</p> <p>23 that -- so they let those transfer.</p> <p>24 But then there was just other random ones,</p> <p>25 like I said, micro -- there's some math classes and</p>

<p style="text-align: right;">21</p> <p>1 things like that.</p> <p>2 Q. You had attended Weber State in order to</p> <p>3 get the degree you needed to be a paramedic; is that</p> <p>4 right?</p> <p>5 A. Yes. Technically, my paramedic degree did</p> <p>6 end up coming from SWOCC, because in Utah you only</p> <p>7 need an institutional certificate, which was just a</p> <p>8 few classes shy of an associate's. So at Weber State</p> <p>9 I got my institutional certificate, and then while I</p> <p>10 was at SWOCC I ended up doing those last few classes</p> <p>11 to earn the actual degree.</p> <p>12 Q. So you hold a certificate from Weber State</p> <p>13 but no degrees, a degree from SWOCC for your</p> <p>14 associate's degree. Correct?</p> <p>15 A. For paramedic associate's, correct.</p> <p>16 Q. And when did you complete the prerequisite</p> <p>17 courses to get your associate's degree?</p> <p>18 A. You mean from the last two classes that</p> <p>19 were missing from it?</p> <p>20 Q. Sure.</p> <p>21 A. Just throughout the time I was at SWOCC,</p> <p>22 periodically. I didn't know I earned those degrees</p> <p>23 until I'd been away from SWOCC for like a year; and I</p> <p>24 think after my attorney, my prior attorney first</p> <p>25 subpoenaed their records of me, all of a sudden SWOCC</p>	<p style="text-align: right;">23</p> <p>1 opinion, obviously, at any point today. I'm also not</p> <p>2 asking for you to relay information that either you</p> <p>3 discussed or were told by any of your attorneys. So</p> <p>4 if I do ask a question that would call upon that</p> <p>5 answer, either give Mr. Mark an opportunity to object</p> <p>6 or let me know that it's something you discussed with</p> <p>7 one of your lawyers. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. You were taking the prerequisite courses</p> <p>10 between starting in the summer of 2016 and when you</p> <p>11 started in the nursing program. When did you start</p> <p>12 in the nursing program?</p> <p>13 A. It would be the fall of 2017, right? Yes.</p> <p>14 Q. So during your time at SWOCC before</p> <p>15 entering the nursing program in the fall of 2017, do</p> <p>16 you have any concerns or complaints about the way</p> <p>17 that you were treated?</p> <p>18 A. No. I mean, no, not necessarily. It was</p> <p>19 tough to go from a place like Weber State to a place</p> <p>20 like SWOCC. They're not really -- they don't</p> <p>21 function on a high level, I mean, as far as like</p> <p>22 financial aid, and there's always a problem or</p> <p>23 somebody misfiled something. It just was there -- it</p> <p>24 wasn't as smooth as I was used to at a state</p> <p>25 university going to Coos Bay, Oregon and going to</p>
<p style="text-align: right;">22</p> <p>1 called me like seven or eight o'clock at night and</p> <p>2 were like, oh, looks like we owe you a few college</p> <p>3 degrees. What's your address? So then I got those</p> <p>4 and found out I had earned them.</p> <p>5 Q. So was having an associate's degree not a</p> <p>6 prerequisite for getting into the nursing program?</p> <p>7 A. No, it was not a prerequisite for getting</p> <p>8 into the nursing program. The nursing program is the</p> <p>9 associate degree.</p> <p>10 Q. Okay. I understand from your lawsuit that</p> <p>11 you're claiming the defendants who we listed</p> <p>12 previously violated Title IX. You're also arguing a</p> <p>13 breach of contract claim, a claim for negligent</p> <p>14 supervision, a claim for intentional interference</p> <p>15 with economic relations, and a claim for intentional</p> <p>16 affliction of emotional distress. Does that line up</p> <p>17 with your understanding of what this lawsuit is</p> <p>18 about?</p> <p>19 A. I didn't choose, obviously, what we had</p> <p>20 here because I'm not a lawyer yet, and I don't know</p> <p>21 what is necessarily applicable under the law. But I</p> <p>22 know that my prior attorney looked at the evidence,</p> <p>23 and my testimony is that this is what we have. So</p> <p>24 that's kind of how it started, yes.</p> <p>25 Q. Okay. And I'm not asking for a legal</p>	<p style="text-align: right;">24</p> <p>1 SWOCC. There was just a lot of nonuniformity and one</p> <p>2 hand not talking to the other, and just a lot of</p> <p>3 little kind of confusion all over the place when it</p> <p>4 came to, like I said, things like financial aid and</p> <p>5 things like that.</p> <p>6 But other than just that kind of culture</p> <p>7 shock, no, I loved my classes and I liked the</p> <p>8 instructors, and I thought the education was sound.</p> <p>9 Q. Correct me if I'm wrong, but is it a fair</p> <p>10 summary to say that the basis for your lawsuit is</p> <p>11 your belief that you were treated differently than</p> <p>12 your classmates in the nursing program?</p> <p>13 A. Yes.</p> <p>14 Q. Do you believe you were treated</p> <p>15 differently than any of your classmates in the</p> <p>16 classes that you took prior to entering the nursing</p> <p>17 program?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay, I'm going to share my screen. And,</p> <p>20 again, this is just to show you documents to see if I</p> <p>21 can refresh your memory and make sure we're not</p> <p>22 missing something. Okay.</p> <p>23 Can you see the PDF that I have up there,</p> <p>24 which is --</p> <p>25 A. Yeah, go back. Sorry. You had it perfect</p>

<p style="text-align: right;">25</p> <p>1 the first time.</p> <p>2 Q. Yup, no problem. This is SWOCC-003469.</p> <p>3 Now, just to make sure that we've got the technology</p> <p>4 working correctly here, you can see the PDF that's up</p> <p>5 on the screen there?</p> <p>6 (EXHIBIT 43 WAS MARKED.)</p> <p>7 A. Yes.</p> <p>8 Q. Perfect. And I understand this is an</p> <p>9 e-mail from you to Anny Mueller. Is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Who is Anny Mueller?</p> <p>12 A. I assume she was one of my prerequisite</p> <p>13 teachers.</p> <p>14 Q. Okay. Now, just to, again, make sure</p> <p>15 we're on the same page here, do you recognize this</p> <p>16 e-mail or recall it?</p> <p>17 A. I don't specifically recall this e-mail,</p> <p>18 but it absolutely seems like something I would write.</p> <p>19 Anytime I have a grade discrepancy to this day, I</p> <p>20 absolutely reach out to my professor and try and get</p> <p>21 on the same page. I actually just had one last</p> <p>22 night. So it's something that's very common for me</p> <p>23 to do when I need to understand what they're looking</p> <p>24 for a lot better, because I'm obviously missing the</p> <p>25 mark.</p>	<p style="text-align: right;">27</p> <p>1 same page with her. Again, that's not at all</p> <p>2 uncommon for me to do. My grades are extremely</p> <p>3 important to me.</p> <p>4 Q. If I -- I just moved kind of where I've</p> <p>5 got all my exhibits on the screen. Can you see that?</p> <p>6 Does that get in the way of the PDF?</p> <p>7 A. Yeah. I mean, I'm seeing what you're --</p> <p>8 what you're clicking on and pulling up your files</p> <p>9 right now.</p> <p>10 Q. Perfect. All right. I am putting up on</p> <p>11 the screen -- oh, sorry. We're going to mark the</p> <p>12 last one as Exhibit 42.</p> <p>13 THE REPORTER: Sorry to interrupt.</p> <p>14 (A discussion was held off the record.)</p> <p>15 Q. So now I'm putting up on the screen what's</p> <p>16 been Bates labeled SWOCC 3208 -- so we'll mark SWOCC</p> <p>17 3469 as Exhibit 43, and the one that we're looking at</p> <p>18 right now, SWOCC 3208, as 44.</p> <p>19 (EXHIBIT 44 WAS MARKED.)</p> <p>20 Q. Ms. Gililland, do you recognize this</p> <p>21 August 9th, 2017 e-mail exchange between you and Gary</p> <p>22 Will?</p> <p>23 A. I don't specifically recognize or recall</p> <p>24 it, no.</p> <p>25 Q. Okay. And, again, this appears to be an</p>
<p style="text-align: right;">26</p> <p>1 Q. Okay. As we review these documents, I'd</p> <p>2 like you to bring to my attention if you think that</p> <p>3 it's -- there's something wrong with it. It's an</p> <p>4 e-mail that you didn't send, if there's something</p> <p>5 that strikes you as odd, please let me know so we can</p> <p>6 follow up on it. The reason I want you to take a</p> <p>7 look at this April 13th, 2017 e-mail is it looks like</p> <p>8 you are raising concerns about a grade that you have</p> <p>9 in Ms. Mueller's class. Do you recall that?</p> <p>10 A. I don't specifically recall this, but I</p> <p>11 have no reason to doubt it came from me.</p> <p>12 Q. Okay. It looks like on the last sentence</p> <p>13 there you write, "I know it's tough with 50 students,</p> <p>14 but a D is pretty extreme." Do you recall having a D</p> <p>15 in Ms. Mueller's class?</p> <p>16 A. I don't recall the specificities of this,</p> <p>17 no.</p> <p>18 Q. Sure. Does this e-mail refresh your</p> <p>19 memory at all about having any concerns about the way</p> <p>20 Ms. Mueller was treating you compared to the other</p> <p>21 students in her class?</p> <p>22 A. I definitely don't feel like that's what</p> <p>23 I'm saying about necessarily being treated</p> <p>24 differently or anything like that. I'm raising</p> <p>25 concerns about a poor grade and trying to get on the</p>	<p style="text-align: right;">28</p> <p>1 e-mail discussing a concern you had about a grade in</p> <p>2 Mr. Will's class. Is that correct?</p> <p>3 A. Yes, it appears to be that.</p> <p>4 Q. Okay. And do you have any concerns about</p> <p>5 the way that Mr. Will treated you compared to your</p> <p>6 classmates?</p> <p>7 A. No, this looks exactly like what I</p> <p>8 explained the last thing is. It's something I do</p> <p>9 whenever I get a bad grade, absolutely figure out</p> <p>10 what the problem is and get on the same page with my</p> <p>11 professor so I can continue to be an honor student.</p> <p>12 Q. Let's talk about how you went to become</p> <p>13 admitted into the nursing program. I understand</p> <p>14 there's a limited number of positions for each</p> <p>15 academic year. Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. I believe I've read that it's a pretty</p> <p>18 competitive program at SWOCC to get a place in any</p> <p>19 incoming class?</p> <p>20 A. For a small town, yes.</p> <p>21 Q. And you were trying to gain admittance</p> <p>22 into the fall 2017 semester; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And originally you were not in the</p> <p>25 incoming class, but you came to be. Is that correct?</p>

<p style="text-align: right;">29</p> <p>1 A. Yes.</p> <p>2 Q. Tell me how that worked.</p> <p>3 A. You're on an alternate list and, depending</p> <p>4 on who actually takes a spot, because people apply</p> <p>5 multiple places and whether they're offered a spot</p> <p>6 and take it are two different things, and if there's</p> <p>7 enough people who didn't take it, you go into your</p> <p>8 place.</p> <p>9 Q. And how did you come to learn that there</p> <p>10 was an opportunity for you to get a spot in the</p> <p>11 class?</p> <p>12 A. You can see yourself. They e-mail you</p> <p>13 where your position is.</p> <p>14 Q. And upon learning that there was an</p> <p>15 opportunity for you, did you go and meet with Susan</p> <p>16 Walker to discuss that opportunity?</p> <p>17 A. I don't specifically meeting -- remember</p> <p>18 meeting her to discuss an opportunity. I think that</p> <p>19 I -- you go in several times to work with Jade</p> <p>20 Stalcup, her secretary. I think one of the times</p> <p>21 when I went in for either paperwork or -- they give</p> <p>22 you like a to-do list of things you have to do,</p> <p>23 requirements, guidebooks and everything. When you're</p> <p>24 even on the alternate list, they prepare you. So I</p> <p>25 was in their offices several times throughout that</p>	<p style="text-align: right;">31</p> <p>1 were Melissa Sperry; is that right?</p> <p>2 A. (Inaudible.)</p> <p>3 Q. I'm sorry. You glitched right there. Can</p> <p>4 you repeat what you said?</p> <p>5 MR. MARK: She was telling me that I was</p> <p>6 on mute. I was going to lodge -- I was holding my</p> <p>7 hand up. I was going to lodge an objection to your</p> <p>8 question after you finish it fully here.</p> <p>9 Q. (By Mr. Reese) Sure thing. And if</p> <p>10 Mr. Mark has an objection to my question, I'll do my</p> <p>11 best to ask it in a better way. I'll also keep an</p> <p>12 eye on him so I don't talk right through his ability</p> <p>13 to object.</p> <p>14 Ms. Gililland, I believe I didn't get an</p> <p>15 answer to confirming that of the faculty members who</p> <p>16 worked under Ms. Walker's direction, we have Melissa</p> <p>17 Sperry. Correct?</p> <p>18 A. Yes.</p> <p>19 Q. And she was also assigned to be your</p> <p>20 advisor?</p> <p>21 A. Correct.</p> <p>22 Q. What's the role of the advisor, as you</p> <p>23 understand it?</p> <p>24 A. Especially in the nursing program, because</p> <p>25 the nursing program is very internal, it's like a --</p>
<p style="text-align: right;">30</p> <p>1 process, and I know I spoke with Susan a couple of</p> <p>2 those times.</p> <p>3 So what she's specifically referring to</p> <p>4 sounds about right. I don't recall any specific</p> <p>5 first meeting. It was kind of a blur of a lot of</p> <p>6 paperwork and things like that.</p> <p>7 Q. But you did receive your place in the</p> <p>8 class before classes started in that fall 2017</p> <p>9 quarter, right?</p> <p>10 A. Yes.</p> <p>11 Q. So you were part of the program from day</p> <p>12 one of that year?</p> <p>13 A. Yeah, I had enough time in the summer to</p> <p>14 complete everything they needed done, and I got it</p> <p>15 done pretty quickly. Like I said, my physical,</p> <p>16 titers, immunizations, a lot of paperwork. There's a</p> <p>17 lot to it, yeah.</p> <p>18 Q. And just to make sure I have a complete</p> <p>19 understanding of how the nursing department was set</p> <p>20 up, I understand Susan Walker was the then director</p> <p>21 of the program. Right?</p> <p>22 A. Yes.</p> <p>23 Q. So she was in charge of the program and</p> <p>24 supervised the other faculty members. The faculty</p> <p>25 members that I understand were in place at that time</p>	<p style="text-align: right;">32</p> <p>1 it's its own -- like when you're doing any other</p> <p>2 classes on campus, you only ever just glimpse nursing</p> <p>3 students. You don't ever really have classes with</p> <p>4 them or things like that. They're very much their</p> <p>5 own private little world, and your advisor is your</p> <p>6 advisor in that huge -- or that very important</p> <p>7 private little world. So yeah, it's a pretty big</p> <p>8 role.</p> <p>9 Q. And did you have routine meetings with</p> <p>10 your advisor to discuss your classes and how the</p> <p>11 program is going?</p> <p>12 A. Absolutely, yes.</p> <p>13 Q. Were those weekly? Monthly? Whenever you</p> <p>14 needed them? How did that work?</p> <p>15 A. Those, there's the set ones that you have</p> <p>16 to have, you know, I think maybe before, beginning</p> <p>17 and end of each term. I don't recall specifically.</p> <p>18 There are assigned ones, though, and then there are</p> <p>19 ones when you need them, and we utilize both.</p> <p>20 Q. Did you -- were you aware of Ms. Sperry</p> <p>21 before starting the nursing program?</p> <p>22 A. Yes. She had quite a reputation.</p> <p>23 Q. What was her reputation?</p> <p>24 A. That she picks people to make examples of</p> <p>25 and exercise her powers on and that she's a bully; to</p>

<p>33</p> <p>1 watch out for her, that she's vindictive. So I was 2 ultimately initially not happy that she was my 3 advisor and a little bit scared, but we seemed to hit 4 it off actually right away, and I try not to judge 5 people based on reputation alone. 6 Q. How did you come to learn of Ms. Sperry's 7 reputation -- 8 A. Most -- 9 Q. -- before you started the program? 10 A. Oh, sorry. I didn't mean to cut you off. 11 Mostly through the second-year students. 12 Q. Do you recall any of the names of the 13 students who told you about Ms. Sperry's reputation? 14 A. Yeah. One was my mentor, because you get 15 a mentor that's a second year, and her name was 16 Nicole as well. 17 Q. Do you remember Nicole's last name? 18 A. I don't. 19 Q. Have you spoken to Nicole since you left 20 SWOCC? 21 A. Oh, no. I was -- I was marked, I guess 22 you could say. A lot of people pretty much that I 23 thought were my friends ran the other way once I 24 was -- once the issues started. 25 Q. And part of this process, as you probably</p>	<p>35</p> <p>1 A. Now, we're saying "ever," not just prior 2 to the program? 3 Q. That's a good clarifier. Why don't we go 4 back in time and what you were being told prior to 5 entering the program. Did any of the people who were 6 giving you this caution give you any further 7 information as to what perhaps would get someone on 8 her bad side? 9 A. No, not prior to the program. 10 Q. There was no explanation that she targeted 11 younger students, older students, people of color, 12 people because of their sex, anything like that? 13 A. Not that I recall. 14 Q. Okay. You mentioned that the nursing 15 program is its own little world, which makes sense to 16 me. Physically, is the nursing program in a 17 particular building on the SWOCC campus? 18 A. It's its own building and kind of the back 19 corner of the campus, depending on where you're 20 entering from. The parking lot goes all the way 21 around it. But yeah, it's its own private building 22 off in a corner. 23 Q. Any other programs run out of that 24 building? 25 A. I believe that the EMS side of things are</p>
<p>34</p> <p>1 saw from the last couple of days, is I'll continue to 2 ask those questions about additional people. I 3 appreciate your communicating to me generally that 4 you haven't been in contact with anyone, but I just 5 want to make sure I'm not missing anything. Okay? 6 A. Absolutely. There -- I mean, it's a fair 7 question, because there are maybe one for sure, but 8 maybe two people that I communicate with from back 9 there. But it's -- yeah, so it's good to 10 individually ask me so that we can make sure. 11 Q. Appreciate it. Anyone else other than 12 your mentor, Nicole, give you a heads up about the 13 concerns about Ms. Sperry prior to starting in the 14 program? 15 A. Prior to starting in the program, no. It 16 was just the reputation -- like, it's a small town, 17 so mostly through co-nursing students going in, like 18 from the orientation and the kind of whispers there 19 to our mentors and their friends kind of gossiping 20 behind the scenes. That was -- that was it going 21 into it. 22 Q. You mentioned that you were made aware 23 Ms. Sperry was vindictive. Did you ever receive any 24 information as to what would make her vindictive 25 against any particular student?</p>	<p>36</p> <p>1 still there. I'm not sure if any other ones were. 2 Q. Does SWOCC share that building with any 3 other organizations, businesses, anything like that? 4 A. Again, I'm not exactly sure. I know that 5 the paramedic classes were -- I saw them in our 6 halls, so I assumed we shared some of the building 7 with them, but I don't know. 8 Q. I understand as part of the nursing 9 program you also do clinics at the hospital, Coquille 10 Valley Hospital. Is that right? 11 A. Right. There's the Coos County -- or the 12 Coos Bay Hospital, which is the main hospital which 13 is where most of the teachers worked; and then 14 Coquille's like half an hour away, so it's kind of 15 like that's the one I got because I was the last 16 person accepted into the program. It wasn't ideal 17 initially because it's such a far drive and it's so 18 out of the way, but ultimately I ended up being 19 pretty happy that's where I ended up. 20 Q. Okay. You're assigned a clinical 21 instructor at the hospital; is that right? 22 A. Yes. 23 Q. And I understand yours was Liz Cooper? 24 A. Correct. 25 Q. Any other instructors at the hospital?</p>

<p>37</p> <p>1 A. No. Well, all the nurses are your 2 instructors. Liz is your person. You don't do -- or 3 learn, even if the other nurses are trying to teach 4 you something, you have to know that -- what Liz is 5 allowing and what your scope is. So they're 6 instructors to a degree, but Liz is obviously "the" 7 the person.</p> <p>8 Q. And Liz is not a defendant -- named as a 9 defendant in this lawsuit, right?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Other faculty members at the time 12 you entered the program. Pam Wick, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And what's Pam's role with the program, or 15 was Pam's role with the program?</p> <p>16 MR. MARK: Object to foundation. You can 17 answer.</p> <p>18 THE WITNESS: Okay. She was a full-time 19 nursing instructor. We had just a few of them. It 20 was Susan, Melissa, Kerry, Robin, and Pam. Yeah. 21 There's only like five full time. She was one of 22 them.</p> <p>23 Q. (By Mr. Reese) Robin is Robin Finney, 24 F-i-n-n-e-y. Correct?</p> <p>25 A. Correct.</p>	<p>39</p> <p>1 about Ms. Sperry's reputation. Did anybody give you 2 any kind of warnings about any of the other nursing 3 program instructors?</p> <p>4 A. There was gossip about every instructor. 5 Specifically what kind and how it related to them 6 varied widely, and I don't recall a lot of it. But 7 overall, the whole theme was watch your step.</p> <p>8 Q. Were you provided any guidance as to what 9 was meant by "watch your step"?</p> <p>10 A. Keep your head down, don't talk back, 11 don't trigger their egos, they're always right, never 12 correct them, things like that. Take your 13 punishments lying down kind of thing.</p> <p>14 Q. And I understand you got this information 15 from your mentor, second-year student Nicole?</p> <p>16 A. Partially, yes.</p> <p>17 Q. And you don't recall the specific names of 18 anyone else who was giving you these cautions?</p> <p>19 A. No. I could probably point them out in a 20 picture kind of thing. It's just the second-year 21 crowd in general. You know, when they're mentoring 22 in front of the instructors they're, you know, 23 cheerleaders, and then when they're mentoring behind 24 the scenes they're "watch out," kind of.</p> <p>25 Q. Any of these cautions done in writing,</p>
<p>38</p> <p>1 Q. And then you mentioned a Kerry. Do you 2 remember Kerry's last name?</p> <p>3 A. I don't.</p> <p>4 Q. So we have Ms. Walker, who's the director 5 and also instructor; Ms. Sperry, who's an instructor 6 and also served as your advisor; Ms. Wick, who was an 7 instructor; Ms. Finney, who was an instructor; Kerry, 8 who was an instructor; and then your clinic 9 supervisor, Liz Cooper. Right?</p> <p>10 A. Correct. And there were other, like, the 11 clinics that we -- like on Tuesday we'd be at the 12 hospital and on Thursdays our labs were on -- well, 13 if you went to the Coos Bay Hospital your lab would 14 be on the SMOCC campus, but because I went to 15 Coquille, Thursdays were also at the hospital, and 16 that's like an in-classroom lab. Had I done my lab 17 at the Coos County, there would have been other lab 18 instructors because it was a much bigger group. So 19 it wasn't just the full-time faculty. There were lab 20 assistants that worked at the college, too.</p> <p>21 Q. Did you have any kind of relationship with 22 any of the instructors we just listed before starting 23 the program?</p> <p>24 A. No.</p> <p>25 Q. And I understand you were given a heads up</p>	<p>40</p> <p>1 text message, e-mails, something that we could go 2 back and review now to get more insight into what you 3 were being told?</p> <p>4 A. Not that I can recall, no.</p> <p>5 Q. So to the best of your memory, these were 6 all statements that were given to you in person?</p> <p>7 A. To the best of my memory, yes. If you 8 mean, again, prior to the program -- there are plenty 9 of exchanges while this is all happening between me 10 and certain classmates. So to be clarified, if you 11 mean, again, prior to going into the program, no. If 12 you mean during the course of these events unfolding, 13 there is certain correspondence between me and 14 certain classmates and things like that, yes.</p> <p>15 Q. Great. So you start the program in fall 16 of 2017. What classes were you taking that first 17 term or quarter?</p> <p>18 A. I don't recall the specific names.</p> <p>19 Q. Do you remember how many classes you had 20 that first quarter?</p> <p>21 A. I believe it's three a quarter.</p> <p>22 Q. And generally speaking, just describe for 23 me what the structure of the classes are. You have 24 three classes. How are they taught? What's the 25 general form that they take?</p>

<p style="text-align: right;">41</p> <p>1 A. So they're all just combined. That's kind 2 of why it's more difficult to separate them by name, 3 because the instructors all teach parts of different 4 classes. It's mostly each instructor takes a week at 5 a time instead of a class per se. I know that their 6 testimony is it's more assigned. And that could be, 7 you know, true, because I'm just saying it from my 8 understanding, not theirs.</p> <p>9 But every week, like this is Robin's week, 10 this is Melissa's week to teach, this is Pam's week 11 to teach. And so they would just kind of alternate 12 weeks, probably based on the subjects they were 13 discussing in their depositions. But that's how 14 it -- so, you know, it's a Melissa week, it's a Pam 15 week, it's -- so on and so forth.</p> <p>16 And you get taught -- again, you have 17 lecture Monday, Wednesday, Friday. You have clinical 18 at the hospitals on Tuesday, and then you have 19 clinical lab on Thursday. So -- and then, again, the 20 classes are just kind of all combined into the week.</p> <p>21 Q. So -- and I appreciate you walking me 22 through this, because it is confusing. In a quarter 23 in the nursing program, ultimately you're going to 24 get credit for three classes. But as you move 25 through the quarter, each week you are taking a mash</p>	<p style="text-align: right;">43</p> <p>1 A. I will do my absolute best.</p> <p>2 Q. All right.</p> <p>3 A. We could probably make it to the hour 4 mark, but I kind of -- at least at that point, maybe 5 in ten minutes we can take a break.</p> <p>6 Q. Let's take a break right now if you'd 7 like. That's fine.</p> <p>8 A. Are you sure? I can make it to the hour 9 mark.</p> <p>10 Q. No, let's take a break now and come back 11 at half past the hour.</p> <p>12 (Recess from 11:19 a.m. to 11:31 a.m.)</p> <p>13 Q. (By Mr. Reese) Before we took our break, 14 you were -- Ms. Gililland, you were helping us 15 understand how a particular quarter is structured. 16 And I understand that the teachers essentially take a 17 week and will teach the content that will apply to 18 the three courses in which you're enrolled for a 19 quarter. Is it fair to say that each week is a 20 different topic? Is it broken up into kind of 21 ten-week quarters?</p> <p>22 A. Yes. It's usually surrounding, like, a 23 system. So like this week will be more focused on 24 cardiovascular, this week will be neurologic. And, 25 again, I'm not -- I'm sure there's, like, other</p>
<p style="text-align: right;">42</p> <p>1 of those three classes from whatever instructor is 2 assigned for the topic that is being addressed in a 3 given week?</p> <p>4 A. Yes.</p> <p>5 Q. So if we're referring to like week three 6 of the program, that is going to be taught by one 7 particular instructor but cover course material for 8 up to all three of the classes that you're getting 9 credit for. Right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 MR. MARK: Thank you for clarifying that. 13 I now understand.</p> <p>14 THE WITNESS: Okay. Sorry. Sorry I 15 wasn't clear before. I apologize.</p> <p>16 MR. MARK: No, I just -- he asked a great 17 question.</p> <p>18 Q. (By Mr. Reese) Well, and there's no 19 secret here. Brandon and I have not participated in 20 this program, so there is a bit of a learning curve 21 here as we both try to understand how this works.</p> <p>22 The big point is if I ask you a question 23 that makes some assumption that clearly isn't true, 24 will you make sure you point that out so that we can 25 be clear as to our understanding of how this works?</p>	<p style="text-align: right;">44</p> <p>1 teachers that help other teachers on their weeks; and 2 it might not be exactly set up that way, but from my 3 perspective, that's how it seemed, yes.</p> <p>4 Q. And during a given week when you're 5 focusing on one system, are you doing projects? 6 Taking tests? What does the coursework look like?</p> <p>7 A. So you're supposed to prepare for the 8 week, do all the reading. There's a lot of reading. 9 You do that the weekend before the week starts. So 10 by Monday you should have already read everything 11 that you need to read and be prepared for that, that 12 week's system.</p> <p>13 And then typically, in class you'll do 14 like a presentation with the group and then lectures 15 obviously by the teacher. Sometimes random little 16 games. Robin was big on games, like a Jeopardy type 17 game sort of thing.</p> <p>18 And then on Friday you come to classes and 19 you take your exam, which is -- your exams are worth 20 90 percent of your grade, and you come and take your 21 tests for the week Friday in class. And then your 22 week is over, and you start Saturday by starting 23 reading for the next week.</p> <p>24 Q. One exam per week?</p> <p>25 A. Yes. Well, it's -- no, it's three --</p>

<p style="text-align: right;">45</p> <p>1 three -- it's one sitting, but again, it's covering 2 three classes. So technically, it's three exams in 3 one sitting. 4 Q. Is the subject matter for all three exams 5 on the same system that you were studying in that 6 week? 7 A. I don't recall specifically. It should be 8 how that class relates to that system, I believe. 9 Q. Okay. 10 A. Like, so if it were the pharmacology test, 11 might be talking about drugs for that system, like 12 that kind of thing, but there are different classes 13 technically maybe approaching it from different ways. 14 Q. Okay. We've seen a lot of reference to 15 case studies. What are case studies? 16 A. It's basically just a summary of a person, 17 a patient, what they're presenting with, their signs, 18 symptoms, hospital notes. Just a study of a 19 patient's experience in a medical setting. 20 Q. Dealing with whatever system you're 21 studying in that particular week? 22 A. Typically, yes. 23 Q. How does your clinic experience play into 24 the program? 25 A. That's when you're learning -- okay, so if</p>	<p style="text-align: right;">47</p> <p>1 of a number. But I don't -- I mean, so I guess 2 classroom assignments. 3 Q. Were you graded on attendance? 4 A. I'm not sure. I know you couldn't really 5 miss too many things without making up their specific 6 rules and numbers, but I don't remember what they 7 were. Like, you can only miss so many this and that 8 many that, and so on and so forth. 9 Q. The case studies, were they part of the 10 10 percent? 11 A. No, not necessarily, because the one that 12 started this whole thing obviously was worth a lot 13 more, although it wasn't a test, so I'm not 14 sure how -- I still am confused as to how that 15 worked. 16 And actually, Brandon and I were just 17 talking about getting more into the whole, what they 18 graded on and how and where, because it's still 19 pretty confusing. But -- like, for instance, the one 20 that was changed to a zero, the case study that's 21 been the subject of the last couple of days, it 22 spanned all three classes, and it turned all three 23 classes to F's when that went to a zero. 24 So I was passing all three classes, and 25 when they gave me a zero on that case study, it</p>
<p style="text-align: right;">46</p> <p>1 you mean clinic on Tuesdays, you're learning with 2 actual patients. So if you learned something in 3 class, then you're going to learn the skills to go 4 with it. You'll learn those like the Thursday in the 5 classroom lab setting, and then once you get cleared 6 in the lab setting you can start practicing on 7 patients the following Tuesdays. 8 Q. Your weekly exams that are 90 percent of 9 your grade, the exams, are they taken online? Are 10 you given paper in class? How does that work? 11 A. Specifically, paper, in-class, proctored. 12 Q. When do you get the results of your exam, 13 typically? 14 A. The following week. Sometimes they're 15 posted over the following weekend. But yeah. 16 Q. And they're posted into the myLaker 17 grading system? 18 A. Yes. 19 Q. What is the other 10 percent of your grade 20 comprised of? 21 A. Everything else. 22 Q. Okay. Let's go over what everything else 23 is. 24 A. I don't recall specifics like -- but I 25 just remember the 90 percent, because it was a doozy</p>	<p style="text-align: right;">48</p> <p>1 significantly impacted all three classes and changed 2 every grade to an F. 3 Q. Can you recall anything else that you were 4 graded on that we haven't discussed yet? 5 A. I'm sorry. Can you rephrase or be more 6 specific? I don't understand the question. 7 Q. Yeah. Although I understand you have 8 questions about how the grades were determined, I 9 want to know what your understanding is. And you 10 said 90 percent was the exams that you took on 11 Fridays -- 12 A. Uh-huh. 13 Q. -- and then the other 10 percent was 14 comprised of everything else, and we believe that 15 would include case studies, although you're curious 16 how this particular case study was graded. What else 17 would you have received evaluation on that would play 18 into your grade? 19 A. So the exams also cover -- if lab exams, 20 that would include practical exams, including skills. 21 It's not just what you do on Friday on the paper 22 test. So it's those exams. The Kaplan exams at the 23 end of every term, like, your final for the term, 24 that's in the 90 percent. 25 Q. Does the Kaplan exam carry more weight</p>

<p style="text-align: right;">49</p> <p>1 than your weekly exams, if you know?</p> <p>2 A. Yes. I don't know exactly what and how</p> <p>3 much, but yes.</p> <p>4 Q. All right. That first quarter in the</p> <p>5 fall, you don't recall exactly what classes you were</p> <p>6 taking. How did you do, though, if you remember?</p> <p>7 A. I loved it. I felt like it was going very</p> <p>8 well.</p> <p>9 Q. You got good grades?</p> <p>10 A. Yes.</p> <p>11 Q. How --</p> <p>12 A. Although I do want to be clear of one</p> <p>13 thing that even your clients can confirm, is the</p> <p>14 first thing they tell you is don't expect to walk out</p> <p>15 of here with a 4.0. Only one person in the history</p> <p>16 of this program has ever done that. We don't give</p> <p>17 out A's. They are very tough graders. You basically</p> <p>18 just lower all your expectations for A's and B's and</p> <p>19 just get to the 75 percent.</p> <p>20 I was exceeding that for sure, but</p> <p>21 comparatively to, like, how I choose to look at</p> <p>22 grades now, like how an A is everything and my 4.0 or</p> <p>23 maintaining a 3.9 to 4.0 is super important. You</p> <p>24 don't have that in the nursing program. Like, you</p> <p>25 kind of do away with that expectation because they</p>	<p style="text-align: right;">51</p> <p>1 Did you have any concerns with the way you were being</p> <p>2 treated, evaluated, or graded in any way?</p> <p>3 A. If I had any concerns specifically, I</p> <p>4 don't recall. There might have been conversations</p> <p>5 about grades. Again, if anything, if a grade is low,</p> <p>6 I'm going to talk to my instructor always, always, if</p> <p>7 there's a low grade to figure out getting on the same</p> <p>8 page and what they're looking for. So there might</p> <p>9 have been conversations if there was a bad grade, but</p> <p>10 there just wasn't very many bad grades, and I don't</p> <p>11 remember any specific conversations. So --</p> <p>12 Q. And, again, my goal isn't to try to catch</p> <p>13 you confused about conversations you may have had,</p> <p>14 but I do need to confirm whether anything occurred in</p> <p>15 that fall semester that you believe supports the</p> <p>16 claims in your lawsuit. So to the best of your</p> <p>17 ability, do you recall having any concerns about</p> <p>18 being treated inappropriately or illegally or</p> <p>19 improperly in any way during that first fall quarter?</p> <p>20 A. Not that I recall.</p> <p>21 Q. How was your relationship with Ms. Sperry,</p> <p>22 your advisor, during that fall quarter?</p> <p>23 A. I felt like we grew close.</p> <p>24 Q. You had earlier testified that you had</p> <p>25 some concerns based on what you were being told about</p>
<p style="text-align: right;">50</p> <p>1 are going to be really tough on grading and you're</p> <p>2 not going to be like straight A's.</p> <p>3 But, yeah, I was doing -- I was</p> <p>4 succeeding, yes.</p> <p>5 Q. So the goal is to pass your classes with</p> <p>6 the expectation that A's and B's are difficult to</p> <p>7 obtain, right?</p> <p>8 A. Yes.</p> <p>9 Q. Ultimately, if you're passing classes</p> <p>10 you're eligible to graduate with what degree? Your</p> <p>11 associate's degree?</p> <p>12 A. Yes, your RN.</p> <p>13 Q. To the best of your understanding, does</p> <p>14 the grade point average that you get on your way to</p> <p>15 your RN impact your job prospects post graduation?</p> <p>16 MR. REESE: Foundation.</p> <p>17 THE WITNESS: I have no idea. No, I think</p> <p>18 that's kind of the point. It's like if you got to</p> <p>19 this point, if you graduated, you have met your</p> <p>20 marks. I don't think they weigh, like I said, too</p> <p>21 heavily on straight A's and stuff, because they're</p> <p>22 going to be really hard about giving those out. They</p> <p>23 want to make sure that you just -- you're getting it.</p> <p>24 Q. (By Mr. Reese) What about your</p> <p>25 relationship with your instructors that fall quarter?</p>	<p style="text-align: right;">52</p> <p>1 her reputation. Describe for me what your</p> <p>2 interaction with her was during that fall term,</p> <p>3 generally speaking.</p> <p>4 A. I didn't see anything that people were</p> <p>5 referring to. I thought she was very sweet and</p> <p>6 seemed very compassionate and understanding. Seemed</p> <p>7 that way. I think she was good at getting people</p> <p>8 sized up. And she likes to do that, so she's good at</p> <p>9 finding ways to communicate with just about anybody</p> <p>10 she wants to. Yeah. So it seemed like it was good.</p> <p>11 Q. Okay. When did the winter term start? Is</p> <p>12 that after the new year?</p> <p>13 A. Yes, I believe so.</p> <p>14 Q. So January of 2018 you start the winter</p> <p>15 quarter. Do you remember what classes you were</p> <p>16 taking that quarter?</p> <p>17 A. Not specifically. I mean, there's always</p> <p>18 the foundations of nursing. I'm not sure if the</p> <p>19 number changes every term, but foundations of nursing</p> <p>20 was almost always a class. Like the last term, for</p> <p>21 instance, it was pharmacology and pathophysiology.</p> <p>22 I'm not sure how often those changed or if it was</p> <p>23 just for one term, et cetera, but yeah, I don't</p> <p>24 remember specifically.</p> <p>25 Q. Yeah, and I have the class names, so I'll</p>

<p>53</p> <p>1 just tell them to you to refresh your memory. We had 2 NRS 112, which was Foundations of Nursing, and 3 Acute 1. Does that sound right? 4 A. Yes. 5 Q. NRS 231, Clinical Pharmacology 2. Does 6 that sound right? 7 A. Yes. 8 Q. And NRS 233, Pathophysiology Process 2? 9 A. These also sound like the classes from the 10 spring term. So if you're talking about winter term, 11 these -- unless they were, again, the prereqs to 12 those second classes, then what you just described is 13 spring term. 14 Q. Okay. That may be the case. 15 Same format, though, for the winter and 16 springs terms that you described in the fall with the 17 ten weeks, one system per week taught by all the 18 instructors? 19 A. Correct. 20 Q. Let's -- help me understand when you first 21 began to have concerns about the way Ms. Sperry was 22 treating you. Do you recall as you sit here today 23 when you first suspected that she may be treating you 24 differently than other classmates? 25 A. Yes.</p>	<p>55</p> <p>1 "you should be in the hospital" kind of thing. 2 Yeah, it was just little things, like 3 asking me for proof that I was so sick. So even 4 though you could very much take one look at me, and 5 everyone would gasp and come running and make sure I 6 was okay, she knew I was very ill and could see it. 7 But for some reason she wanted a doctor's note, which 8 was fine because, again, I was basically at the 9 hospital every day at this point. So -- 10 Q. Okay. You mentioned that your UTI 11 infection came about in spring break, which would 12 have been the third or fourth week of March. Is that 13 correct? 14 A. It started before that. I had gone to the 15 hospital for like a week-long, horrible head pain, 16 headache that kind of precipitated the whole thing. 17 And they did a CT scan, and they'd done it where 18 there's artifact, which is like a blur. When we say 19 "artifact," it could be something that is actually 20 being seen on the scan. Or it could be that you 21 moved during the scan. We're not sure. 22 So they did a CT scan. They found a spot 23 that they were worried was a tumor that turned out to 24 be artifact. But that's when they also told me -- 25 they were a little preoccupied by a potential brain</p>
<p>54</p> <p>1 Q. When was that? 2 A. When we got back into spring term. I came 3 back from spring break for spring term. I had spent 4 all of spring break in bed. I had a UTI that I guess 5 you would say was mis-treated, and there was 6 miscommunications around the treatment that allowed 7 it to advance to it a full kidney infection, and I 8 was basically septic. So I was extremely ill. 9 But yeah, I spent all of spring break in 10 bed, and then I came back. I was worried about 11 covering my bases so that I didn't appear weak or 12 like I wasn't a serious student. So I was pretty 13 stressed out that week of making sure that even 14 though I was very ill, that I was on my A game still. 15 And it seems like I was in constant 16 communication with Melissa, and initially it seemed 17 like she was very concerned. But then there were 18 just little things, like, you know, having me verify 19 or prove -- again, you could see -- and this is 20 something I'm sure will come up with other testimony 21 later, but you could see very clearly how sick I was. 22 I mean, we wore white scrubs, and I was the same 23 color as my scrubs and I looked like I was on death's 24 doorstep. So it wasn't really up for debate type 25 thing. You could take one look at me and be like,</p>	<p>56</p> <p>1 tumor, so they were like, By the way, you have a UTI; 2 here's an antibiotic. And then that was the last I 3 heard about the UTI. They didn't give me any 4 discharge instructions relating the UTI. Once they 5 cleared the brain tumor, they were like, okay, go 6 home. 7 So I wasn't aware that they had sent a 8 prescription to my pharmacy. They never had a 9 conversation about sending a prescription to my 10 pharmacy. So that UTI was allowed to just get worse. 11 And so I kept calling them and telling 12 them, I'm feeling way worse. They're like, give the 13 medication time to work. And I'm like -- call a 14 couple days later. And then finally they're like, 15 "Did you take all of it?" "What did you mean 'all of 16 it?' You only brought me one." "Oh. Well, we 17 called in a prescription to your pharmacy." "Well, 18 the next time you do that, tell your patient. That's 19 a good idea, for starters." 20 So by the time that we had figured out 21 where the miscommunication occurred, it was -- the 22 prescription they called in wouldn't touch the 23 infection. I was far, far too advanced in my 24 infection at that point. 25 Q. So because of the failure to communicate</p>

<p style="text-align: right;">57</p> <p>1 to you the medicine that you needed to take, your UTI</p> <p>2 progresses to the point where you're nearly septic,</p> <p>3 and I'm assuming because of that, need to take some</p> <p>4 days off from the nursing program that's going on.</p> <p>5 Correct?</p> <p>6 A. If I missed anything, it wasn't because I</p> <p>7 was at home in bed, it was because I was actively in</p> <p>8 the hospital getting treated, like I.V. antibiotics</p> <p>9 or anything like that. I didn't miss anything just</p> <p>10 because I was sick. If I had to miss something, it</p> <p>11 was because I had a scheduled appointment for</p> <p>12 treatment.</p> <p>13 Q. Okay. This is going down around spring</p> <p>14 break. Is spring break a week off from the nursing</p> <p>15 program, or are you still in classes?</p> <p>16 A. Right. No, I was getting treated and very</p> <p>17 sick spring break, and still sick when we returned.</p> <p>18 MR. MARK: Let him finish his question</p> <p>19 before you interrupt.</p> <p>20 THE WITNESS: I'm sorry.</p> <p>21 MR. MARK: We need to make a clear record.</p> <p>22 Q. (By Mr. Reese) Prior to the issues with</p> <p>23 this horrible infection, did you have to work with</p> <p>24 your instructors in the program to address issues</p> <p>25 with smaller illnesses, adjust deadlines because of</p>	<p style="text-align: right;">59</p> <p>1 Q. Which we'll mark as Exhibit 45.</p> <p>2 (EXHIBIT 45 WAS MARKED.)</p> <p>3 Q. And I just want to make sure I understand</p> <p>4 how you would interact with your professors when</p> <p>5 something would come up that would require an</p> <p>6 adjustment to one of your assignments. For example,</p> <p>7 here it looks like you have an October 2nd, 2017</p> <p>8 e-mail to -- it looks like c-a-l-e-x-a-n-d-e-r. Do</p> <p>9 you know who that is?</p> <p>10 A. I don't recall a Professor Alexander.</p> <p>11 Q. Okay. So here we had an issue where you</p> <p>12 wanted to sleep and not being able to upload the</p> <p>13 papers, so you reach out and have a request to do it</p> <p>14 later. Is that kind of consistent with how you would</p> <p>15 interact with your professors if something came up</p> <p>16 that required an adjustment to the schedule?</p> <p>17 A. Well, just to clarify, it doesn't look</p> <p>18 like I'm asking for a later date or anything. I'm</p> <p>19 saying that it looks like the upload link has closed.</p> <p>20 According to the syllabus, you can still turn in work</p> <p>21 late for a -- like a penalty, I'm sure. It doesn't</p> <p>22 say that. But at this point I'm trying to upload it,</p> <p>23 and because it was past the time, the link had</p> <p>24 closed. So I think I'm asking what I need to do to</p> <p>25 get it to them.</p>
<p style="text-align: right;">58</p> <p>1 other events going on in your life?</p> <p>2 A. I had had a stomach virus or flu in</p> <p>3 January, and then, like I said, just that headache</p> <p>4 throughout that week before the UTI was discovered.</p> <p>5 But I don't recall any others specifically, no.</p> <p>6 Q. During the first two quarters, the fall</p> <p>7 and the winter quarter, did you ever have any</p> <p>8 problems with your instructors when you asked for</p> <p>9 either additional time or some adjustments to your</p> <p>10 schedule because of illness or whatever else was</p> <p>11 going on in your life?</p> <p>12 A. Not that I recall.</p> <p>13 Q. When you would need to reach out to an</p> <p>14 instructor because of an issue, would you do it via</p> <p>15 e-mail, generally?</p> <p>16 A. Generally. There was -- I mean, again,</p> <p>17 it's -- if -- their offices are just all right next</p> <p>18 to your classroom. So if you're coming or going to</p> <p>19 lunch, they're very easy to speak to before and after</p> <p>20 as well.</p> <p>21 Q. Okay. So let me just pull up a couple of</p> <p>22 these.</p> <p>23 All right. Can you see what we pulled up</p> <p>24 on the screen, which is SWOCC-003070?</p> <p>25 A. Yeah, there you go.</p>	<p style="text-align: right;">60</p> <p>1 Q. If a particular assignment was turned in</p> <p>2 late in the nursing program, was there a standard</p> <p>3 deduction or penalty?</p> <p>4 A. Ten percent.</p> <p>5 Q. And what would trigger the 10 percent</p> <p>6 penalty? If a test needed to be completed by a</p> <p>7 certain time and you had to take it later, was that</p> <p>8 an automatic 10 percent deduction from your score?</p> <p>9 A. Not automatic. As long as you have</p> <p>10 arranged with the professor beforehand or</p> <p>11 communicated beforehand, typically they would do one</p> <p>12 of two things, either just give you the okay to take</p> <p>13 it later, which would not include a penalty, or they</p> <p>14 would let you take it early, which obviously would</p> <p>15 still not include a penalty.</p> <p>16 Q. Okay. What about the presentations or</p> <p>17 case studies or other assignments that you would have</p> <p>18 to turn in during the week? Did the same 10 percent</p> <p>19 penalty apply if it was turned in after the stated</p> <p>20 due date?</p> <p>21 A. On that I'm not sure, only because, again,</p> <p>22 there's some confusion with my understanding based on</p> <p>23 what has transpired or what is being said now. So,</p> <p>24 for instance, with Melissa, when I came back to turn</p> <p>25 in her tests that she had -- I had arranged to take</p>

<p style="text-align: right;">61</p> <p>1 early, she said I didn't need to, we were fine.</p> <p>2 I brought them to her. She said, here's a</p> <p>3 10 percent penalty on all of these, which didn't make</p> <p>4 sense because she was the one who wouldn't let me</p> <p>5 take them early. And then she said that she was</p> <p>6 giving me a zero on a case study assignment, which</p> <p>7 she had actually never assigned me and had given me a</p> <p>8 bonus assignment instead that I spent all week on.</p> <p>9 But my confusion was, of course, I wasn't</p> <p>10 given an option for 10 percent on that case study.</p> <p>11 She just said zero. So I don't know if it's just</p> <p>12 ambiguous or they -- just fluid and it can change.</p> <p>13 But my understanding, yes, is it could be 10 percent.</p> <p>14 If that's how it played out or not depended on the</p> <p>15 teacher and the date.</p> <p>16 Q. Okay. If you or another student in the</p> <p>17 program had a question about these policies, where</p> <p>18 would you look? I've heard reference to a student</p> <p>19 handbook. Would that be a resource to get some</p> <p>20 information on how this is supposed to be handled?</p> <p>21 MR. MARK: Objection. Foundation.</p> <p>22 THE WITNESS: I -- it's been years and</p> <p>23 years since I read it, but apparently, with as much</p> <p>24 hype as I've heard the last couple of days, that</p> <p>25 seems to be the place to go.</p>	<p style="text-align: right;">63</p> <p>1 Q. First, do you recognize this e-mail</p> <p>2 exchange between you and Robin Finney?</p> <p>3 A. Do I recall it, no. But, yes, it's from</p> <p>4 me to Robin Finney.</p> <p>5 Q. Okay. It looks like you're letting</p> <p>6 Ms. Finney know that you're ill and not going to be</p> <p>7 able to make a particular class or lecture. Is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Would there be, to your best</p> <p>11 understanding, any penalty or grade impact for</p> <p>12 missing a lecture because of illness?</p> <p>13 A. No. You're allowed to miss a certain</p> <p>14 number of lectures a term, and as long as you stay</p> <p>15 under the cap you're okay, and as long as you</p> <p>16 communicate with your professor who's teaching the</p> <p>17 lecture, you're okay.</p> <p>18 Q. Okay. And you would communicate via</p> <p>19 e-mail, generally?</p> <p>20 A. Generally. Sometimes by phone, sometimes</p> <p>21 in person. But generally e-mail, yes.</p> <p>22 Q. Did Ms. Finney ever give you a hard time</p> <p>23 or act out towards you because of having to miss a</p> <p>24 lecture for illness?</p> <p>25 A. Not that I recall. She was tough, but I</p>
<p style="text-align: right;">62</p> <p>1 Q. (By Mr. Reese) And this is important. I</p> <p>2 don't want your opinion based on what you've heard in</p> <p>3 the last couple of days. I want your understanding</p> <p>4 of how the program worked, and if you don't know,</p> <p>5 that's fine. But to the best of your memory, what</p> <p>6 resources were available if you had a question about</p> <p>7 either grading, attendance, or some other issue in</p> <p>8 the nursing program?</p> <p>9 A. Again, I don't know how to explain this in</p> <p>10 a way that is going to -- here, let me articulate</p> <p>11 myself better. There was that idea that you have</p> <p>12 this resource. Did it actually play out the way</p> <p>13 things were written in the student nursing handbook?</p> <p>14 Absolutely not. It was almost like just a nice</p> <p>15 paperweight, you know, or a doorstop. It wasn't</p> <p>16 actually something they lived by in any way, shape,</p> <p>17 or form, no.</p> <p>18 So it's easy to say and point to it, well,</p> <p>19 according to the student handbook. But they did</p> <p>20 things exactly how they felt like doing them in the</p> <p>21 moment; and so it was very, like I said, unclear and</p> <p>22 fluid and depended on the teacher at the time.</p> <p>23 Q. Okay. I'll pull up what's SWOCC-003034.</p> <p>24 We can mark that Exhibit 46.</p> <p>25 (EXHIBIT 46 WAS MARKED.)</p>	<p style="text-align: right;">64</p> <p>1 always remember her being very fair.</p> <p>2 Q. All right. I'm going to pull up what's</p> <p>3 Bates labeled SWOCC-003002. We'll mark it as</p> <p>4 Exhibit 47.</p> <p>5 (EXHIBIT 47 WAS MARKED.)</p> <p>6 Q. Do you recognize this e-mail between you</p> <p>7 and Ms. Sperry?</p> <p>8 A. I don't recall it, but I'm reading it and</p> <p>9 that it's from me to Melissa, yes.</p> <p>10 Q. Looks like this is February 2018, so</p> <p>11 during the winter term, right?</p> <p>12 A. Yes.</p> <p>13 Q. And it appears to me that you're relaying</p> <p>14 that you had been unable to turn in a journal entry</p> <p>15 because of a migraine?</p> <p>16 A. Yeah. That's what it says, yes.</p> <p>17 Q. Okay. And you reference here that you</p> <p>18 read the student handbook and understand no late work</p> <p>19 is acceptable but ask if this ruins the whole</p> <p>20 project. Do you remember looking up in the student</p> <p>21 handbook how turning a journal entry in late would be</p> <p>22 handled?</p> <p>23 A. I don't remember that. But again, like I</p> <p>24 said, every assignment is different, so that would be</p> <p>25 I guess a resource I would look into to find where</p>

<p style="text-align: right;">65</p> <p>1 that specific assignment would fall on the late scale</p> <p>2 of the 10 percent or not.</p> <p>3 Q. And what's a journal entry?</p> <p>4 A. I don't remember.</p> <p>5 Q. And do you recall how a journal entry</p> <p>6 plays into the whole project?</p> <p>7 A. I don't. I do not recall.</p> <p>8 Q. Do you recall what Ms. Sperry's response</p> <p>9 was to the request to turn the journal entry in late?</p> <p>10 A. I do not recall.</p> <p>11 Q. Do you recall that, as of this early</p> <p>12 February 2018 timeline, if you had any concerns about</p> <p>13 your interactions with Ms. Sperry and asking for</p> <p>14 adjustments to the schedule like this?</p> <p>15 A. I don't recall anything, no.</p> <p>16 Q. Okay. I'm going put up SWOCC-002959,</p> <p>17 which we'll mark as Exhibit 48.</p> <p>18 (EXHIBIT 48 WAS MARKED.)</p> <p>19 Q. So this is March 20th, 2018. Do you</p> <p>20 remember sending this e-mail to Ms. Sperry?</p> <p>21 A. I'm sorry; I'm reading it.</p> <p>22 Q. Please take your time.</p> <p>23 A. This is around the time I was getting very</p> <p>24 ill. I don't remember this specific e-mail. It's</p> <p>25 describing what I'm doing, where I'm at, who I'm</p>	<p style="text-align: right;">67</p> <p>1 A. I do not.</p> <p>2 Q. Any kind of adverse response or</p> <p>3 retaliation for having to miss her lecture because of</p> <p>4 this road rage incident?</p> <p>5 A. I do not recall.</p> <p>6 Q. How did your attendance compare to that of</p> <p>7 your classmates during this time frame? Were you --</p> <p>8 were you kind of on par with everyone else? Were</p> <p>9 these circumstances in your life causing you to miss</p> <p>10 more time?</p> <p>11 A. Not -- not more than everyone else. Maybe</p> <p>12 not better than or on par with everyone else. There</p> <p>13 was a wide array of people. Some missed more than</p> <p>14 me, some missed less than me; so I'm not exactly</p> <p>15 sure. I didn't have a tally. But it was more for me</p> <p>16 than I guess I was used to at the time, but still</p> <p>17 within the confines of the quota.</p> <p>18 Q. I had one more I want you to take a look</p> <p>19 at. This is SWOCC-003032, which we can mark as</p> <p>20 Exhibit 50. This is an e-mail to Christina</p> <p>21 Alexander. Do you recall who Christina Alexander is?</p> <p>22 (EXHIBIT 50 WAS MARKED.)</p> <p>23 A. No. I just saw this and I said I don't</p> <p>24 remember Professor Alexander, so I'm not sure.</p> <p>25 Obviously a teacher.</p>
<p style="text-align: right;">66</p> <p>1 being treated by, what the treatment was. Again, I</p> <p>2 don't specifically recall this. I'm asking them what</p> <p>3 they would like me to do to fulfill my obligation to</p> <p>4 the assignment.</p> <p>5 Q. Do you recall what Ms. Sperry's response</p> <p>6 was to this, or Ms. Walker's response?</p> <p>7 A. I do not.</p> <p>8 Q. And I'm guessing this is around that</p> <p>9 spring break timeline. Is it fair to say that this</p> <p>10 is when you were becoming ill but before you were</p> <p>11 able to work with your doctors to figure out what was</p> <p>12 wrong?</p> <p>13 A. Correct.</p> <p>14 Q. I'll pull up SWOCC-002986, which we will</p> <p>15 mark as Exhibit 49.</p> <p>16 (EXHIBIT 49 WAS MARKED.)</p> <p>17 Q. Go ahead and take a look at this e-mail,</p> <p>18 and let me know if you recognize it as a March 12th,</p> <p>19 2018 e-mail from you to Ms. Sperry.</p> <p>20 A. This is taking so long for me. Yeah,</p> <p>21 again, this is missing a lecture within the confines</p> <p>22 of the quota, and communicating with my professor as</p> <p>23 I was supposed to for missing a lecture.</p> <p>24 Q. Do you recall Ms. Sperry's response to</p> <p>25 this?</p>	<p style="text-align: right;">68</p> <p>1 Q. This was the fall of 2017. Were you still</p> <p>2 taking prerequisite courses outside of the nursing</p> <p>3 program during that fall quarter?</p> <p>4 A. I didn't think so; but yeah, there's -- if</p> <p>5 you haven't fit the whole -- there's certain classes</p> <p>6 you can't start the program without finishing them.</p> <p>7 There's a couple that can be done in unison or tandem</p> <p>8 or -- so that -- there was no Christine Alexander in</p> <p>9 the nursing program, so I would assume I was taking</p> <p>10 another class.</p> <p>11 Q. Seems to make sense. You're reporting</p> <p>12 you're a hot mess, I've got the nursing program going</p> <p>13 on, I've got my kids, I'm overwhelmed, I haven't been</p> <p>14 able to do this assignment for whatever class she was</p> <p>15 teaching.</p> <p>16 Okay. All right. So you get the kidney</p> <p>17 infection, you're dealing with the UTI. That was</p> <p>18 exasperated because of the hospital's poor</p> <p>19 communication. And eventually you report kind of the</p> <p>20 significance of the problem to Ms. Sperry and</p> <p>21 Ms. Walker, right?</p> <p>22 A. Yes.</p> <p>23 Q. And I'm assuming you did that via e-mail?</p> <p>24 A. I don't recall. I think there was a lot</p> <p>25 of commotion when I showed up in person looking as</p>

<p style="text-align: right;">69</p> <p>1 badly as I did. So I remember being sent away a 2 couple of times, like showing up at my clinical 3 location and -- that which was at a hospital, and 4 then my teacher, like, Liz Cooper looking at me and 5 telling me to go straight to the ER for treatment 6 instead of trying to stick around and participate, 7 which is what I did. I walked from the classroom 8 down to the ER and crashed into a bed. That's -- 9 So a lot of the conversation could have 10 just been in the middle of showing up and being 11 evaluated based on my appearance. It could have been 12 over e-mail. There was a lot happening all at once. 13 Q. Sure. And, again, I'm not expecting you 14 to have a crystal clear memory of all this, 15 especially given how ill you were. So if I ask you 16 something and you don't remember, let me know. I'll 17 try to refresh your memory, and if we can, great; if 18 we can't, that's fine. 19 I am still a little confused, though. 20 While you were in dealing with these medical issues, 21 do you remember when you first had to miss classes 22 because of them? Would it have been after spring 23 break? 24 A. Yes, after spring break. Like, you showed 25 me an e-mail from like March 20th that looks like I</p>	<p style="text-align: right;">71</p> <p>1 Q. This is an April 10th, 2018 e-mail -- or, 2 sorry -- April 9th, 2018 e-mail from you to 3 Ms. Walker and Ms. Sperry. Do you remember sending 4 this? 5 A. I do not recall, no. 6 Q. This to me looks like you're letting your 7 advisor and the director of the program know that 8 you've been battling the kidney infection and that 9 it's going to require you to miss some, or has 10 required you to miss some time? 11 A. No, that's not what this is saying. This 12 is talking about a volunteer basis that she asked for 13 nursing students to help out with an EMS -- EMT 14 class. It wasn't for credit or part of my 15 curriculum. I volunteered to help out with what she 16 needed but couldn't make it to that because -- and 17 explained here, it looks like, everything that was 18 going on, what medications I was trying. An allergy 19 to a medication. The next step -- anyways, and then 20 summing up all of that and saying I won't be able to 21 help out with what I volunteered for. 22 Q. Okay. Ms. Walker writes back, "Sorry to 23 hear you have a kidney infection. Please take care 24 of yourself. Hope the medication helps." Generally 25 seems like a positive response wishing you well. Was</p>
<p style="text-align: right;">70</p> <p>1 missed a lecture. That's when I started getting ill. 2 So I'm not exactly positive or remember what the 3 first instance of missing anything occurred. So I 4 know that the week going in after spring break or the 5 time after spring break there was just a lot of 6 appointments and a lot of hospital visits, so -- 7 Q. You testified earlier that there was a 8 certain allotment of time to miss lectures or 9 whatever it may be because of illness. Was there a 10 specific number that you can recall that once you hit 11 it, then it was going to become a more significant 12 issue? 13 A. I don't remember the number. 14 Q. That's fine. Do you remember that there 15 was a number, though, where -- 16 A. Yes. 17 Q. -- you were asked to keep track of, once I 18 get to X number of misses or absences, this is going 19 to have a more significant impact? 20 A. Yes. I don't remember what the 21 step-by-step process was when you hit these numbers 22 or not, but yes, there was. There was a standard. 23 Q. Okay. I put up on the screen 24 SWOCC-000128, which we can mark as Exhibit 51. 25 (EXHIBIT 51 WAS MARKED.)</p>	<p style="text-align: right;">72</p> <p>1 that consistent with the way Ms. Walker was 2 interacting with you in person? 3 A. Yes, up until that point, yes. 4 Q. Okay. So now I'm pulling up what's Bates 5 numbered SWOCC-002903, which we can mark as 6 Exhibit 52. 7 (EXHIBIT 52 WAS MARKED.) 8 Q. This is an e-mail chain, so I'm going to 9 scroll to the first one in time here at the bottom. 10 Go ahead and take a look at that, which is a Friday, 11 April 13th e-mail from you to Ms. Sperry with the 12 subject "Appointment." 13 A. Uh-huh. 14 Q. Do you recall -- do you recall sending 15 this e-mail to Ms. Sperry around this time? 16 A. I recall this chain. I recall this being 17 the beginning of a shift. But there was a lot of 18 back and forth this week, a lot. 19 Q. Okay. Was this e-mail the start of a 20 conversation about you having a doctor's appointment 21 that was going to interfere with your ability to take 22 a test? 23 A. Yeah. This is, like I mentioned earlier, 24 this is me arranging to take a test early as to not 25 get docked or again at her discretion before or</p>

<p style="text-align: right;">73</p> <p>1 afterwards because I wouldn't be able to do it at the 2 designated time.</p> <p>3 Q. Okay. So I'm assuming -- correct me if 4 I'm wrong -- but you learned that your doctor needs 5 to see you, and the only time that you can get an 6 appointment interferes with a scheduled test. Right?</p> <p>7 A. Correct.</p> <p>8 Q. And you send this e-mail a little after 9 9 a.m. on the 13th to Ms. Sperry to let her know of 10 that issue, right?</p> <p>11 A. Yes.</p> <p>12 Q. And you didn't have any in-person or 13 telephone conversations with Ms. Sperry about this 14 before sending the e-mail?</p> <p>15 A. Yeah, there was a couple of phone 16 conversations. I don't remember exactly when they 17 were or if they were before or after this e-mail.</p> <p>18 Q. Okay. And you're asking --</p> <p>19 A. To either take her test before or after, 20 whichever will -- I can arrange, obviously, so that 21 it's not negatively affecting the test.</p> <p>22 Q. Okay. I'm going to go up to Ms. Sperry's 23 response. Shortly after 9:38 a.m. she writes, "We 24 can look at that next week." Do you recall receiving 25 that?</p>	<p style="text-align: right;">75</p> <p>1 posted on LakerLink also." Do you recall that?</p> <p>2 A. I do.</p> <p>3 Q. Okay. And then you respond a little 4 before one o'clock, "Key words being," and in quotes, 5 "will be." Right?</p> <p>6 A. Correct. That's because I kept refreshing 7 on my phone the LakerLink to see where the assignment 8 was. And I was pretty eager to please her and to 9 make sure she knew that my illness wasn't affecting 10 my dedication to the program, so I was refreshing all 11 day, including at the doctor's office, waiting for 12 the assignment to pop up, and it didn't until much 13 later.</p> <p>14 Q. Okay. Is this day, Friday, the day you 15 had your appointment with your doctor?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. It looks like the next 18 communication in this e-mail chain occurs the 19 following Monday, April 16th, and it's an e-mail from 20 Melissa to you checking in and asking how you're 21 feeling, but also reporting that she did not receive 22 the assignment back on Friday and asking if you were 23 able to access it okay. Do you recall getting this 24 e-mail?</p> <p>25 A. But this is not, I guess, correct -- the</p>
<p style="text-align: right;">74</p> <p>1 A. Yes.</p> <p>2 Q. And, again, any -- any in-person or 3 telephone conversations that you recall that would 4 supplement this or change it or add anything further 5 to it?</p> <p>6 A. I remember something along the lines of 7 "focus on getting better." I don't know if that was 8 in a different e-mail chain or in person or on the 9 phone; but she specifically in regarding the testing 10 said, focus on getting better and we'll worry about 11 that next week, not just that simple sentence. So 12 where that recollection comes from I'm not positive, 13 but I know that there was something more closely 14 related to focus on getting better and not the test; 15 we'll work about that next week.</p> <p>16 Q. And I think because of how the program was 17 taught, it's probably important to confirm, you're 18 communicating with Ms. Sperry here because she's the 19 instructor for the week where you're going to have to 20 reschedule the test, not just because she's your 21 advisor. Right?</p> <p>22 A. Yes, correct.</p> <p>23 Q. Okay. Ms. Sperry writes back -- kind of 24 responds to her own e-mail at 10:14 saying, "There 25 will be an assignment you can work on for today</p>	<p style="text-align: right;">76</p> <p>1 correct e-mail. There was communication between 2 Melissa and I over that weekend that is a different 3 set of e-mails. Specifically, an assignment appeared 4 finally that night, on Friday night. It was 5 something Kaplan. It came with no instructions, so I 6 didn't know how to complete the assignment.</p> <p>7 So the next morning, I think on Saturday 8 morning I e-mailed her asking how to complete the 9 assignment, because, again, this was the only 10 assignment that showed up at all on Friday. I was 11 refreshing all day.</p> <p>12 Saturday morning I asked her where I could 13 find the instructions for the assignment. She told 14 me where to find the instructions. That's exactly 15 what was there was the instructions for this Kaplan 16 assignment, And it was a lot more lengthy than I had 17 anticipated. It was -- it took me from Saturday 18 morning when she pointed me to the instructions until 19 I was wrapping up Monday morning when I got this 20 e-mail.</p> <p>21 Q. So I believe you explained that the Kaplan 22 assignment was kind of like the final exam for a 23 particular subject matter. Right?</p> <p>24 A. No, there are Kaplan exams, and this was a 25 Kaplan assignment relating to a previous exam. So it</p>

<p style="text-align: right;">77</p> <p>1 basically wanted me to go over I believe a prior exam 2 and remediate, because it gives you feedback on the 3 exams you took. So any question you might have 4 gotten wrong, write an explanation or something along 5 those lines. I'm not exactly sure the details of the 6 assignment, but it was long. 7 Q. And this sort of Kaplan assignment, was it 8 something you would get on a weekly basis? Or how 9 frequently would they be part of the program? 10 A. I think this was -- it was supposed to be 11 an assignment that wasn't actually due until the end 12 of spring term, like a final part of your final week. 13 Thankfully, later, when this actually did pop up as a 14 real assignment instead of a wild goose chase, I was 15 allowed to use my prior work in part for that 16 assignment since I had already done it once. 17 Q. What makes you think this Kaplan 18 assignment was a wild goose chase? 19 A. Because of this e-mail that's right here 20 on the screen. This assignment, the Kaplan one that 21 popped up that Friday, said it was not due until 22 Wednesday morning. So she's e-mailing me on a Monday 23 saying, I did not receive your assignment back from 24 Friday, were you able to access this okay. In my 25 understanding, I still had some more days, so I was</p>	<p style="text-align: right;">79</p> <p>1 and further up we discussed a time for me to retake 2 the test that I missed, the one that she told me to 3 wait until next week to take. This is that week. So 4 we planned a time, and then I was going to see her 5 after I -- after she proctored my exam. 6 Q. So through separate communications you 7 were able to confirm that Ms. Sperry had been 8 referring to a test that she wanted you to take on 9 Friday, not the Kaplan assignment that you spent the 10 weekend working on? 11 A. No, that's not what I said. Through 12 separate communication she said it was a 13 miscommunication. But, again, I don't understand how 14 there really was so much of a miscommunication when 15 we spoke on Saturday. No assignment showed up Friday 16 before 3:00. There was no assignment that showed up 17 whatsoever. It was not put up online, especially 18 before 3:00 p.m. So that in itself was confusing. 19 The one that did show up on Friday night 20 said it was due on Wednesday, not Friday at 3:00. I 21 e-mailed her Saturday morning for the instructions. 22 She told me exactly where to find these exact 23 instructions for the Kaplan remediation. 24 So I'm not sure how much I can say I 25 misunderstood as much as it was easily -- obviously,</p>
<p style="text-align: right;">78</p> <p>1 confused by that. 2 I think we go further up the chain, and 3 that gets more clarification if you want to do that. 4 Q. Okay. So let's go up. And this is from 5 you to Ms. Sperry a little after 5:30 that evening. 6 Does this help refresh your memory as to what you did 7 next? 8 A. "The assignment is almost complete. It 9 had a lot of content that has taken a while. It has 10 a lot of content that has taken a while. I saw it 11 was due at Wednesday at 9:00. Is that still okay, or 12 would you like me to finish it up tonight after my 13 care plan?" 14 Q. And then Ms. Sperry reports it was a 15 Friday assignment, it was due Friday at 3:00; 16 complete it as soon as possible, please, and stop by 17 to see me. Did you -- 18 A. Yeah, this -- sorry. I'm sorry. 19 Q. Please go ahead. 20 A. No. I just was commenting this is when I 21 knew things were off, because we talked on Saturday. 22 Q. First, she's inviting you to come see her. 23 Did you in fact go have a meeting with her to talk 24 about the confusion on the assignment? 25 A. Yes. Somewhere in one of the two chains</p>	<p style="text-align: right;">80</p> <p>1 the confusion through e-mails is very clear. It was 2 pretty confusing where she was going with what she 3 wanted me to do. 4 Q. Okay. And you are pointing to this as the 5 moment where you realized things between you and 6 Ms. Sperry had changed? 7 A. It seemed odd, not changed. Things were 8 seeming odd. Her communication became very short 9 like this. It was a Friday assignment due Friday at 10 three, smiley face. Complete it as soon as possible, 11 please, and stop by to see me. Just these really 12 quick responses that completely don't make sense. It 13 seemed odd. 14 Q. Did you have an opinion at the time as to 15 why Ms. Sperry's demeanor and conduct toward you was 16 changing? 17 A. I -- at that moment specifically, no. 18 Again, I had concerns before anything even seemed odd 19 about making sure I stayed on my A game and let her 20 know there was no concerns about me as a student, and 21 that no matter how sick I got, my priority was going 22 to be the nursing program and to be in constant 23 communication with her. 24 So I had concerns about seeming weak, 25 because that is, you know, the number one advice you</p>

<p style="text-align: right;">81</p> <p>1 get going in, like I said, don't -- don't stand up 2 for yourself, don't talk back, don't be weak, 3 don't -- I mean, just kind of be in this perfect 4 walk-the-line place, and being sick made that hard to 5 do. So make sure they know you're serious; be 6 respectful; communicate, communicate, communicate. 7 So any concerns I had were about my own -- 8 making sure I came across as a serious student still. 9 As far as concerns about Melissa, all I can say at 10 this point specifically is that it seemed odd. 11 Q. Did you reach out to anyone else within 12 the program to ask questions about why you were 13 having odd interaction with Ms. Sperry? 14 A. Do you mean, again, in prior, like, as in 15 during this exact exchange? Or do you mean like the 16 following week when I went to turn in the test? 17 Because those are two different answers. 18 Q. Well, let's say before you went to turn in 19 the test. 20 A. Did I have any communication? Not that I 21 can recall. 22 Q. What about with your mentor or other 23 classmates? Did you say, I'm starting to have a 24 different dynamic with Ms. Sperry? Any conversations 25 like that?</p>	<p style="text-align: right;">83</p> <p>1 MR. REESE: Okay, let's take a break. I 2 believe we're right at the noon hour where you guys 3 are at. Do you want to grab lunch, Brandon, or would 4 you prefer to keep going? 5 MR. MARK: I don't care. I will leave it 6 up to Nicole. Do you want to take 45 minutes for 7 lunch? Or do you want to just -- 8 THE WITNESS: I can go either way. You 9 put this on the wrong person. 10 MR. MARK: You're the witness, so I think 11 we're all here to accommodate you. 12 MR. REESE: Well, and I think for the sake 13 of Vicky's fingers and her endurance, why don't we 14 take -- 15 THE WITNESS: Let's do a lunch break. 16 There's a deli down the street that looked good, 17 so -- 18 MR. REESE: Okay, let's start back up at 19 12:30. I'm positive we'll be able to get done so 20 Vicky can get to her vaccination schedule as well. 21 So let's take a nice lunch, be back at 1:30 your 22 time. 23 THE WITNESS: All right. Thank you. 24 (Recess from 12:25 p.m. to 1:30 p.m.) 25 Q. (By Mr. Reese) Ms. Gililland, can you see</p>
<p style="text-align: right;">82</p> <p>1 A. No. There might have been some sort of 2 venting over the confusion of the assignment and how 3 long it took. Because, like I said, you spend the 4 whole weekend prior to your week getting started for 5 your next week. So this whole time I was working on 6 the Kaplan remediation that took all weekend, and 7 then some into the next week I should have been 8 preparing for Robin's material, and I wasn't able to 9 do that. So maybe a sense of overwhelming 10 frustration, but nothing I can recall specifically. 11 Q. Do you recall any of your classmates 12 having frustration about the Kaplan remediation? 13 A. None of them were ever asked to do it 14 until the end of term when it was actually assigned. 15 Q. And the Kaplan mediation I believe you 16 explained was follow-up because of a previous test or 17 assignment that had been turned in? 18 A. It was a -- Kaplan remediation was based 19 on a prior Kaplan exam. 20 Q. And it's based on your specific exam, so a 21 Kaplan remediation project would be unique to the 22 student. Right? 23 A. It would be all of us remediating the same 24 exam, but more -- the individuality to it would 25 obviously depend on what answers you got wrong.</p>	<p style="text-align: right;">84</p> <p>1 the PDF that I'm sharing? If it's working correctly, 2 I've put up what we previously marked in a different 3 deposition as Exhibit 35, an e-mail exchange between 4 you and Ms. Sperry, and I believe this is the 5 contemporaneous one to the exhibit we were talking 6 about before we took our break, the two e-mail chains 7 you had going on with Ms. Sperry over this weekend. 8 Is that right? 9 A. Correct. It was -- I know it's super 10 confusing, especially now that we had two going on 11 simultaneously. 12 Q. It's confusing to review, but it makes 13 total sense. You're basically having the same 14 conversation, just through two e-mail threads. This 15 one, Exhibit 35, is titled "Completed Assignment." 16 And I'd like you to take a look at the e-mail that 17 Ms. Sperry sent to you at 8:39 on Tuesday, the 17th, 18 where she explains that she has the Kaplan 19 remediation and refers, "That may be the assignment 20 that was due on Wednesday; I was asking about the 21 case study from Friday." 22 If you recall, was this the first time 23 that you realized there was a case study in addition 24 to the Kaplan assignment that you'd been working on? 25 A. It was the first mention at all, period,</p>

<p style="text-align: right;">85</p> <p>1 of a case study. Case study never showed up on 2 LakerLink, and there was not in addition to the 3 Kaplan remediation, because it turns out that that 4 wasn't something until the end of term. So it wasn't 5 actually the assignment that I was supposed to be 6 working on.</p> <p>7 Q. In the conversation that you had with 8 Ms. Sperry regarding the Kaplan remediation versus 9 the case study assignment, was that done in person in 10 addition to the two e-mail chains, Exhibit 52 and 11 Exhibit 35, or are the e-mail chains the extent of 12 the conversation?</p> <p>13 A. The extent of the conversation to this 14 point.</p> <p>15 Q. Let's use April 25th and when the concerns 16 about plagiarism came as a point in time. Prior to 17 that point in time, did you have any conversations 18 outside of the two e-mail chains?</p> <p>19 A. Yes. That following week after my 20 make-up, we scheduled a time for my make-up further 21 up one of the chains. I think she said she could 22 proctor at like 10 a.m. for my make-up test. And she 23 said we discussed -- I believe she said something 24 along the lines that we discussed the 25 miscommunication, which she verified it was all just</p>	<p style="text-align: right;">87</p> <p>1 separate conversations or anything in addition to 2 this communication, trying to figure out what was 3 going on with the case study versus the Kaplan 4 remediation?</p> <p>5 A. Again, just -- just these conversations 6 where it finally comes to a head. I'm like, that's 7 not what you said; you pointed me in this direction. 8 You never said anything about a case study. It 9 didn't show up on Friday, so on and so forth. 10 Pointing out all the kind of flaws with 11 miscommunication, and it landed on me, talk in 12 person; and that's the next big event, I guess, in 13 the way things happened.</p> <p>14 Q. So was it your feeling in having this 15 e-mail discussion with Ms. Sperry that she was being 16 accusatory or argumentative?</p> <p>17 A. Again, I think she was being odd, because 18 Melissa doesn't miscommunicate, and she's calculated 19 in everything that she does and very aware. So 20 miscommunication with someone like her isn't 21 something that occurs very often; so I thought this 22 was odd, especially being this odd where, again, we 23 spoke on Saturday and she's telling me an assignment 24 was due Friday, and Saturday she's telling me where 25 to find the instructions. It just was all odd. I</p>
<p style="text-align: right;">86</p> <p>1 a big miscommunication which can happen over e-mail. 2 We discussed it at our meeting.</p> <p>3 I showed up the next morning. I took the 4 test in an empty classroom near her office, and then 5 took the test to her office where we proceeded to 6 have a conversation about these things.</p> <p>7 Q. Okay. So on Tuesday, the 17th, the 8 conversation was appearing via e-mail only, though?</p> <p>9 A. I believe so, yes.</p> <p>10 Q. Okay. And this is that e-mail chain read 11 in conjunction with the one we were looking at before 12 the break, Exhibit 52?</p> <p>13 A. Yes. Again, there is a possibility for 14 phone calls somewhere in this. I can't be specific 15 on when those phone calls occurred, but I have called 16 her office before and probably during this whole 17 experience of being sick.</p> <p>18 Q. How were you doing with your illness at 19 this point of April 17th, if you remember?</p> <p>20 A. I was on the mend. Still very weak, but 21 yeah, I was finally on the mend.</p> <p>22 Q. And we don't need to review this e-mail 23 exchange verbatim, but I just want to make sure that 24 I'm not missing any information about this exchange 25 beyond what's here in the e-mail. Do you recall any</p>	<p style="text-align: right;">88</p> <p>1 wouldn't say accusatory, of course not. That came 2 later.</p> <p>3 Q. Okay. And you did eventually re-take the 4 three tests that she had been asking you to take that 5 Friday?</p> <p>6 A. Yes. I believe that would be the 7 following day from this last e-mail. So it would be 8 a Wednesday.</p> <p>9 Q. And did you receive the 10 percent 10 deduction for taking the test late?</p> <p>11 A. I brought the test back to her office, sat 12 down. She said that all of the tests would be marked 13 late. And I -- and I finally, and confused tone, but 14 not trying to rock the boat, said that I thought that 15 because I asked to take them early, and you 16 specifically said I should take them the following 17 week, but that was just your prerogative, and that I 18 wasn't going to be docked late.</p> <p>19 She says, well, they're late, and that is 20 my prerogative, or something along those lines. And 21 then she said -- just, her demeanor was off. But 22 she, you know -- she was smiling and she seemed to 23 kind of be enjoying the moment. It was just an odd 24 smile and an odd expression and an odd presentation 25 to what I was used to from her, and then she said</p>

<p style="text-align: right;">89</p> <p>1 that I was getting a zero on the case study 2 assignment. 3 So that's a pretty significant blow to get 4 a zero on anything, and a lot to come back from. 5 That's when I knew that something was wrong. 6 Q. What case study assignment are you 7 referring to? 8 A. The one that you were just referring to in 9 these e-mails that was never actually assigned to me. 10 Q. Okay. So you rescheduled to take the test 11 that had occurred the last Friday; you weren't able 12 to take the test because you were at the doctor's 13 office; and she assigns a 10 percent deduction for 14 those exams, and then gives you a zero for the 15 assignment that had not been completed because you 16 had been working on the Kaplan remediation instead of 17 the assignment. Correct? 18 A. Because it was never assigned to me, 19 specifically that. It was literally never assigned 20 to me. It was never available in LakerLink. She 21 never said anything about a case study prior to 22 Monday, when she said, oh, that one that was due 23 Friday. It literally never came up. The only thing 24 that came up was Kaplan. She told me where to find 25 the instructions. It's exactly where I found them.</p>	<p style="text-align: right;">91</p> <p>1 never posted, not for me. 2 Q. In the meeting where -- that you're 3 describing the conversation where she relayed what 4 the grade would be or the zero for that case 5 assignment, that was the next day, Wednesday, the 6 18th? 7 A. Yes. 8 Q. Just one second. 9 All right. Tell me how you came to learn 10 that there was concern about a plagiarism issue with 11 one of the assignments that you had turned in. 12 A. Well, there was kind of a buildup with 13 tension with Melissa after that meeting. I had to -- 14 I had to bring in Susan. That's -- along with that 15 meeting, she told me she was giving a zero, that 16 there was nothing I could do about it. 17 I asked her why she was doing it. She 18 said because it takes a classy women to be a nurse, 19 and unclassy women, kind of pointing to me, shouldn't 20 be nurses. If I had a problem, I could take it up to 21 Susan. 22 I went to Susan's office -- 23 Q. When did that conversation occur? 24 A. That's still on the Wednesday that I 25 retok her test.</p>
<p style="text-align: right;">90</p> <p>1 That's what was assigned to me. 2 And then as far as the 10 percent, again, 3 I want to reiterate that I asked to take those early. 4 So the way you're phrasing it is, oh, you got the 10 5 percent deduction because you took them late. Only 6 because I wasn't allowed to take them early. And, 7 oh, you got a zero on this case study because you 8 didn't do the one assigned to you. Again, the case 9 study was never assigned to me until it was 10 apparently far too late. 11 Q. In her April 17th e-mail that she sent at 12 about 10:25 a.m., Ms. Sperry refers, or has a 13 sentence here at the bottom of the first paragraph, 14 "The class assignment was posted to you nursing 15 Section 111-04 at 1250 just after your e-mail." 16 Is it your understanding that she was 17 referring to the case study? 18 A. I can only say what I experienced on my 19 end, refreshing and refreshing and refreshing that 20 day, which is evident by the e-mails in which I'm 21 saying, I don't see it, I'm looking for it. There's 22 some e-mails earlier on that Friday where I'm 23 specifically asking her, I'm not saying, I'm looking, 24 I'm looking, I'm just not seeing. Something along 25 those lines. So I was indeed looking for it. It was</p>	<p style="text-align: right;">92</p> <p>1 Q. So the same conversation where she 2 explained you'd get a zero for the case study? 3 A. Yes. 4 Q. Okay. Was anyone else present for that 5 conversation? 6 A. I believe there was someone waiting 7 outside the door in the hallway. I know I talked to 8 Stephanie Kyelberg right after it happened, right 9 after I was done in Susan's office. I was perplexed 10 and upset and told a few classmates. 11 Q. And Stephanie Kyelberg, can you spell that 12 last name? 13 A. Stephanie. K-y-e-l-b-e or b-u-r-g. 14 MR. MARK: I believe it's e-r-g. 15 THE WITNESS: Okay. Mayra Rangel. I 16 believe I told Victoria Kalmycova. I'm next to 17 positive I told. Not then, because I didn't really 18 get acquainted with her until the following week, but 19 I told her then. I told Stephanie right after it 20 happened. I believe I told May right after it 21 happened, and possibly Megan -- Megan Greer. 22 Q. (By Mr. Reese) Okay. And Stephanie, was 23 she -- you mentioned she was just outside the door? 24 A. She might have been the one standing 25 out -- there -- there was -- there's always someone</p>

<p style="text-align: right;">93</p> <p>1 lingering when you're in an office with a teacher, 2 because they're popular.</p> <p>3 Q. Okay. Was it your perception that the 4 student who was outside the door could have heard the 5 conversation that you were having with Ms. Sperry?</p> <p>6 A. I have no idea. I never asked.</p> <p>7 Q. Since that time, have you spoken to anyone 8 who was present or observed that conversation?</p> <p>9 A. Not specifically anyone saying that they 10 observed that conversation.</p> <p>11 Q. Okay. And tell me what you recall 12 Ms. Sperry telling you in response to your question 13 about why you were getting a zero on the case study.</p> <p>14 A. She said I was getting a zero, with a 15 smile on her face. And just the whole -- everything 16 about it, I knew something was wrong. I'd always 17 been able -- I felt we'd developed a rapport where 18 she was a fairly straightforward person. So I just 19 asked, Why are you doing this? Why are you doing 20 this to me? Just, why, something along those lines.</p> <p>21 And she said again, with a disturbing grin 22 on her face, that it takes a classy woman to be a 23 nurse and unclassy women shouldn't be nurses, and if 24 I have a problem with her decision, I should take it 25 up with Susan Walker. I didn't say anything else. I</p>	<p style="text-align: right;">95</p> <p>1 a zero on the case study and that she would take care 2 of it. And she did.</p> <p>3 Q. And what -- how did she take care of it?</p> <p>4 A. She ordered Melissa to let me take the 5 correct assignment.</p> <p>6 Q. Were you privy to the conversation that 7 Ms. Walker had with Ms. Sperry on that?</p> <p>8 A. No. She just said that she would -- she 9 would do that. And the next thing I know, I was 10 getting contacted by Melissa for a make-up time in 11 the library to go and do the GI case study. It was a 12 gastrointestinal case study.</p> <p>13 Q. Do you recall what grade you received on 14 the GI case study?</p> <p>15 A. It was significantly lower than my 16 classmates that had answered either the exact same or 17 worse or outright wrong. They were all getting in 18 the 90 percents on it, and I got a 70 something.</p> <p>19 Q. Did you have a conversation with 20 Ms. Sperry following up on what the new decision was 21 on your ability to re-complete the GI case study?</p> <p>22 A. I can say I don't believe I ever had 23 another in-person conversation alone with Melissa 24 after she made that comment towards me. 25 Intentionally, I tried to keep everything in writing.</p>
<p style="text-align: right;">94</p> <p>1 got up and left the room and went to Susan's office 2 directly.</p> <p>3 Q. You described Ms. Sperry's demeanor. What 4 was your demeanor during this meeting?</p> <p>5 A. Lost. Sad, confused. But mostly 6 confused.</p> <p>7 Q. And did you in fact go see Ms. Walker 8 after that?</p> <p>9 A. Immediately.</p> <p>10 Q. Okay. And where was Ms. Walker when you 11 met with her?</p> <p>12 A. She was in her office at her computer.</p> <p>13 Q. And describe for me what happened in that 14 meeting.</p> <p>15 A. Susan had no idea what I was talking 16 about. I showed her the two e-mail chains back and 17 forth between Melissa and I, told her of Melissa's 18 decision to give me the 10 percent penalty on the 19 test and the zero.</p> <p>20 She said, you know, taking a test late was 21 a teacher's prerogative. It didn't make sense to 22 her, though, that I had asked to take it early and 23 still been docked. But, you know, that's -- that 24 ball is in the teacher's court but that she didn't 25 see any way, shape, or form that I should be getting</p>	<p style="text-align: right;">96</p> <p>1 So if there is anything about that, that grade, then 2 you have it. I don't recall specifically.</p> <p>3 Q. So just to make sure I'm oriented from 4 your conversation with Ms. Sperry on Wednesday, 5 April 18th forward, you didn't meet with her in 6 person by yourself ever?</p> <p>7 A. Not ever again, no. There was always 8 somebody with me.</p> <p>9 Q. Okay. Sorry, I'm looking for something.</p> <p>10 A. That happens to me all the time.</p> <p>11 MR. MARK: We can always take a break if 12 you need time.</p> <p>13 MR. REESE: No, just bear with me. I had 14 some things a little out of order, but we're going -- 15 we're going to get to them here.</p> <p>16 Q. (By Mr. Reese) All right. On about 17 April 25th, 2018, you received some communications 18 first I believe from Robin Finney, and later from 19 Melissa Sperry about a concern about a 20 pathophysiology paper that had been submitted. Do 21 you recall that?</p> <p>22 A. Yeah. It didn't start with them 23 contacting me, but I had received my grade from Robin 24 earlier that morning for the case study assignment, 25 which, again, was something that was extremely rushed</p>

<p style="text-align: right;">97</p> <p>1 because of all the time I spent on the not-assigned 2 miscommunication that was the Kaplan remediation. So 3 I was rushed, and I was happy to just get a passing 4 grade. So I just wanted some clarification, you 5 know, as to where I screwed up, and I swung by 6 Robin's office on my way to the lecture. 7 She said I had done the pathophysiology 8 wrong at the end, and I read it and I was wrong. And 9 so I'm like, all right, thank you for your feedback; 10 you know, I'll do better next time, I'm sorry, it was 11 hectic coming back sick, and I was -- I was 12 preoccupied when I should have been working on your 13 assignment. Just gave her my -- my apologies and 14 went to class. 15 While I was in class I looked at my grades 16 again because I was trying to calculate, I don't 17 know, if that made a big dent, the 77 or what I got 18 on that. And all of my grades had changed to F's. 19 So I'm in the middle of class looking at my phone, 20 and all of my grades for all three classes are now 21 F's. And I pretty much just shot up out of my chair 22 and just went straight to Robin's office. 23 And I'm like, what is happening? Like, 24 she was like -- I think she was -- I don't want to 25 say emotional. She seemed very sad and said that I</p>	<p style="text-align: right;">99</p> <p>1 identified that my papers contained plagiarism and 2 that I would be dealt with accordingly, and that for 3 now I was to return to class and complete my lecture 4 and not worry about what she was doing kind of thing. 5 I really wasn't in the mood to go back to 6 lecture, but I sat there silently crying my eyes out 7 the entire rest of the time until then these e-mails 8 started coming in. 9 Q. Okay. So the interaction you've described 10 with the various faculty members in their offices 11 occurred before you started to get e-mail 12 communications about the concerns? 13 A. Yes. I was aware before they started 14 sending these things what was happening. 15 Q. All right. Looking at what we've marked 16 as Exhibit 4. This you received it looks like from 17 Ms. Sperry around 3:38 in the afternoon on the 25th. 18 Is that right? 19 A. Yes. 20 Q. So you had already had these interactions 21 that you just described with the various faculty 22 members and returned to your class. Where were you 23 when you recall receiving this e-mail? 24 A. I -- I honestly don't remember. There was 25 a lot more in-person that occurred after lectures.</p>
<p style="text-align: right;">98</p> <p>1 needed to talk to Melissa Sperry. 2 And I went down to Melissa's office, and 3 she looked up, her grin just as strong as ever, and 4 said she was in the middle of conducting an 5 investigation and that she would be with me when she 6 had concluded it. 7 I ran down then to Susan Walker's office 8 and I said, Susan, what is happening? And she's 9 like, I don't know; what are you talking about? What 10 do you mean? Like, super confused. And I'm just 11 like, all my grades are F's, all my grades are F's. 12 And she's like, What? 13 And so she came with me to Robin's office. 14 And Robin again was like, uh, I have a loss of what 15 to say. And she's just like, let me take you to 16 Melissa's office. Melissa -- the way she explained 17 it, Melissa took the assignment is what she said from 18 her and had discovered plagiarism. She said 19 something very much along those lines. Melissa had 20 taken my case study and discovered plagiarism and 21 that she was conducting an investigation. 22 When we got back down to Melissa's office, 23 or this conversation was occurring right outside her 24 office, that's when Melissa, you know, finally 25 responded and said that she had found -- it had been</p>	<p style="text-align: right;">100</p> <p>1 Specific e-mails and what was happening, when I was 2 getting those, I don't remember specifically. 3 Q. Well, describe for me what you recall 4 about the in-person interactions you had after you 5 completed lecture. 6 A. I went back to Susan's office. Her entire 7 demeanor changed. She was very, very cold and curt. 8 And I said, I understand, like, I might have rushed 9 this assignment and maybe not done everything up to 10 perfect standards, but we don't -- since when does 11 that matter in this program? And that kind of I 12 guess triggered her a little bit more. 13 She's like, What are you referring to? 14 I'm like, You know that if you were to grab anyone's 15 paper it would be the exact same way, or something 16 like that. And she just disregarded it, just kind 17 of -- and she said, we're going to be having a 18 hearing for you on Monday to discuss the seriousness 19 of your -- I don't know if she said crimes or 20 infractions or something along those lines -- very 21 much to discuss you and your crimes, or something 22 like that. 23 Yeah. I asked immediately if I could 24 bring an attorney. She said, if you bring an 25 attorney there won't even -- we won't even bother</p>

<p style="text-align: right;">101</p> <p>1 having a hearing. And then I asked if I could record 2 it; and she said, No, absolutely not. 3 Then I asked if I -- because I had already 4 I think even in class -- I sat next to May, so even 5 in class I'm crying, so she's trying to comfort me 6 and ask what's going on. Stephanie Kyelberg and 7 Megan Greer sat next in front of me, so they kind of 8 did the same thing. I told them a bit of what was 9 happening, and they all immediately said that their 10 papers were plagiarized, too, That we just 11 plagiarized in class, fully, all of us. 12 Like, in Melissa's class on Friday when 13 they did the GI case studies, that every single one 14 of them had made their slides and things directly 15 from the books and not cited it. So they -- they all 16 started to kind of get a little panicky and then 17 tried to comfort me by saying, they can't expel all 18 of us or there won't be a program. You know, they 19 need to make us do these things if they want them 20 done, but you don't have anything to worry about. 21 So I asked, knowing that and what they had 22 just told me, if I could bring May to the meeting or 23 bring one of my classmates to the meeting to 24 elaborate on what they had just said, and I was told 25 no. I can bring one person, a support person. They</p>	<p style="text-align: right;">103</p> <p>1 did the narrative until maybe a week or two later. 2 Q. Okay. But you don't have any personal 3 notes, or you don't have the habit of keeping a 4 journal or anything that we could go back and look to 5 about your more contemporaneous recollections of what 6 was said? 7 A. No. Just, like I said, the narrative I 8 did the following week, I believe. I keep a lot of 9 notes now, but no, I can't say that I wrote anything 10 down specifically. It was definitely more of a 11 panic, depression, shock. Just ready to prepare for 12 Monday for my expulsion hearing. 13 Q. Okay. The afternoon of the 25th, 14 Ms. Sperry did send you the e-mail that we have up on 15 the screen previously marked as Exhibit 4. Do you 16 recall maybe not specifically when you received this, 17 but receiving this prior to your meeting on Monday? 18 A. I recall receiving this. But, again, I 19 don't know where I was at in the day. 20 Q. Okay. In it Ms. Sperry reports that "it 21 has been identified that many of your pathophysiology 22 papers have been copied directly from online 23 resources. This is known as plagiarism and is not 24 acceptable per policy." 25 Let's start with the basics. Did you</p>
<p style="text-align: right;">102</p> <p>1 can't be a lawyer, they can't be a reporter, they 2 can't be anyone in the program. I'm not allowed to 3 record, and I'm to show up at that time for my -- I 4 think she said expulsion hearing. 5 Q. What makes you think she said "expulsion 6 hearing"? Is that what you're recalling right now? 7 A. It's I'm pretty sure the language that was 8 used, yes. Because it was very much centered around 9 if I would stay in school. It was not a probationary 10 hearing. That's not what it was labeled as 11 initially. It was labeled as an expulsion hearing. 12 Q. You say it was labeled as an expulsion 13 hearing. Where was it labeled that way? Did you 14 receive any kind of written communication referring 15 to it as an expulsion hearing? 16 A. I haven't looked at these specific e-mails 17 in years, but specifically what Susan said. That's 18 what I -- I was told I couldn't have a lawyer, I 19 couldn't record, I couldn't bring anyone from the 20 program. My expulsion hearing would be up in the 21 state. So -- 22 Q. Did you take any notes either during or 23 shortly after this interaction to record what 24 happened? 25 A. I don't think I started -- I don't think I</p>	<p style="text-align: right;">104</p> <p>1 understand it to be plagiarism if a student were to 2 copy from online resources? 3 A. Yeah, I understand that to be the 4 definition of plagiarism, yes. 5 Q. Okay. And it says here that "your 6 pathophysiology regarding general anesthesia was 7 copied from Scientific America Online," and it has a 8 link to a website that appears to be Scientific 9 America Online. Do you recall if you did copy and 10 paste information in your assignment from Scientific 11 America Online? 12 A. I don't specifically remember making the 13 assignment. I just know that it was, like I said, 14 rushed. And I'm sure that if I put sources in, I 15 tried to keep them as credible and medical based as 16 possible. So I'm not doubting that. But do I 17 specifically remember that website itself? No. 18 Q. What about Cleveland Clinic, which is also 19 referred in here? Do you have any memory of copying 20 and pasting case from Cleveland Clinic? 21 A. I have no memory of making the paper 22 besides the sheer panic of rushing to get it done. 23 Q. Okay. And you were rushing because you 24 had been working on the Kaplan remediation, I believe 25 you said. Right?</p>

<p style="text-align: right;">105</p> <p>1 A. Correct.</p> <p>2 Q. So let's -- let's make sure that I</p> <p>3 understand this. Are you disputing that you in fact</p> <p>4 copied and pasted from Internet websites in the</p> <p>5 assignment that you turned in, the pathophysiology</p> <p>6 assignment?</p> <p>7 A. No, I'm definitely not disputing.</p> <p>8 Q. Okay. When you got this e-mail, did you</p> <p>9 have any concerns that Ms. Sperry was lying or being</p> <p>10 inaccurate in her reference that some of your work</p> <p>11 appeared to be taken from Internet websites?</p> <p>12 A. No. I, again, just thought for kind of</p> <p>13 the strangeness that, again, if they can recognize,</p> <p>14 quote-unquote, plagiarism and it's suddenly a</p> <p>15 problem, it should have been very easily identifiable</p> <p>16 in the other papers, because those came directly from</p> <p>17 the textbooks that these teachers should be very</p> <p>18 familiar with. So if they were looking for</p> <p>19 plagiarism, I was just shocked that my paper would be</p> <p>20 the one that stood out.</p> <p>21 Q. Were you also quoting directly from your</p> <p>22 textbook in this assignment?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. Exhibit 4 doesn't reference any</p> <p>25 concern about quotations or excerpts from the</p>	<p style="text-align: right;">107</p> <p>1 in it.</p> <p>2 Q. Have you at any time discussed with</p> <p>3 Ms. Finney the interaction she had with Ms. Sperry in</p> <p>4 how the concerns were discovered or discussed?</p> <p>5 A. It came up at the expulsion hearing.</p> <p>6 Q. So the meeting the next Monday --</p> <p>7 A. Yes.</p> <p>8 Q. -- it came up as to how it was discovered?</p> <p>9 A. Yes.</p> <p>10 Q. What was discussed at that meeting</p> <p>11 regarding how this was discovered?</p> <p>12 A. Like I had mentioned, I had the</p> <p>13 pathophysiology wrong. The whole paper was rushed</p> <p>14 and not to my normal standards as academically as I</p> <p>15 would normally perform. So the way Robin explained</p> <p>16 it in the meeting is she was concerned that maybe I</p> <p>17 was falling behind from my illness, and she wanted to</p> <p>18 make Melissa aware so that she could help me stay on</p> <p>19 track and keep performing at the standard which I</p> <p>20 had.</p> <p>21 Q. Okay. Attached to this e-mail was what</p> <p>22 we've previously marked as Exhibit 5, the Student</p> <p>23 Deficiency Form. Do you see this Exhibit 5?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall this being the attachment to</p>
<p style="text-align: right;">106</p> <p>1 textbook; it refers to online sources. Right?</p> <p>2 A. I guess I'm looking for clarification on</p> <p>3 the difference of how that matters according to APA</p> <p>4 guidelines.</p> <p>5 Q. So I'm not asking about the difference in</p> <p>6 APA guidelines. I'm just asking about your</p> <p>7 understanding of the distinction between the two.</p> <p>8 The concern that Ms. Sperry raised was about cutting</p> <p>9 and pasting from online resources, correct?</p> <p>10 A. Right. And I told you my confusion would</p> <p>11 be why that stood out to them, why that -- yeah,</p> <p>12 again, stood out to them. Obviously, they don't have</p> <p>13 these online sources memorized. So if they are</p> <p>14 looking for plagiarism, the most obvious to them is</p> <p>15 going to be the stuff directly cited from the</p> <p>16 textbook that was in all the other papers, so why is</p> <p>17 my paper standing out? That -- that was my thought</p> <p>18 process on the confusion of this e-mail, if that's</p> <p>19 what you're asking. So --</p> <p>20 Q. Okay. I appreciate that.</p> <p>21 You mentioned that your understanding is</p> <p>22 Ms. Sperry took this assignment from Ms. Finney to</p> <p>23 review it for plagiarism. Did I hear that correctly?</p> <p>24 A. I believe the wording Robin used was</p> <p>25 Melissa took the assignment and discovered plagiarism</p>	<p style="text-align: right;">108</p> <p>1 the e-mail that's Exhibit 4?</p> <p>2 A. I don't recall it being the attachment,</p> <p>3 and I do believe this is what I was shown in the</p> <p>4 hearing.</p> <p>5 Q. Okay. Going back to Exhibit 4, do you see</p> <p>6 that it references a PDF attachment, "Nicole G</p> <p>7 Student Deficiency"?</p> <p>8 A. Yeah. I mean, I'm definitely not doubting</p> <p>9 it. I'm taking your word for it. But do I</p> <p>10 specifically recall it, no.</p> <p>11 Q. Okay. And in here the student deficiency</p> <p>12 plan has an action plan. "Placed on Level 2</p> <p>13 probation. Probation will continue through entirety</p> <p>14 of nursing program. Additional offenses require</p> <p>15 immediate dismissal from the program." Right?</p> <p>16 A. Okay.</p> <p>17 Q. Does that help refresh your memory about</p> <p>18 whether this meeting that you had on Monday was to</p> <p>19 make a determination about expulsion or --</p> <p>20 A. It doesn't change what I heard Susan say.</p> <p>21 Q. And you're positive that that's what you</p> <p>22 heard?</p> <p>23 A. As positive as I can be years later. But</p> <p>24 yeah, it was a pretty descript thing. And, again,</p> <p>25 I'm kind of surprised to see, if this hearing was to</p>

<p style="text-align: right;">109</p> <p>1 determine what was going to happen, then why was it 2 determined on the 25th? And so you're saying, or 3 what you're alluding to is that this hearing was to 4 determine probationary status, things like that, but 5 it looks like they determined that well before this 6 hearing. I was told it was an expulsion hearing. 7 Possibly in the meantime, these were the 8 repercussions. But I know specifically that Tim 9 Dailey and Francisco Saldivar stopped my expulsion 10 from happening. 11 Q. How do you know that? 12 A. Because they told me they were stopping my 13 expulsion from happening. 14 Q. When did they tell you that, those people? 15 Before the Monday meeting? 16 A. Yeah. So Tim Dailey, I spoke with him -- 17 well, first I went directly to his office after I 18 left Susan's office after she said "expulsion 19 hearing." 20 The first time I went to his office I 21 wasn't able to meet with him. I spoke with his 22 secretary, Julianna, I believe her name was, at 23 length about what was happening. She was very 24 sympathetic. Scheduled me an appointment with Tim 25 the next day.</p>	<p style="text-align: right;">111</p> <p>1 person? And I'm asking, because last I heard in your 2 testimony you had moved to Oregon to escape him. 3 A. Right. Like I mentioned, my family and I, 4 comparative to my family, Daymon isn't all that bad. 5 But actually, after our daughter was born, because 6 like I said, my -- we divorced when I was pregnant. 7 So a month after she was born he came up to Oregon to 8 meet her, and then decided that he didn't want after 9 all to not be a part of her life like he initially 10 decided when I was pregnant, and that he wanted to be 11 involved in it. So over the course of the next year, 12 he came about once a month to visit and then 13 relocated to Oregon altogether. 14 Q. So by the time you were starting your 15 nursing program classes, Daymon had relocated to 16 Oregon? 17 A. Correct. 18 Q. Were you living together at that time or 19 throughout your time in the program? 20 A. We were. We were. I mean, not 21 consistently, but on and off, yes. 22 Q. Okay. Did you record that meeting on the 23 Monday morning? 24 A. The one that I was told I wasn't allowed 25 to record? No.</p>
<p style="text-align: right;">110</p> <p>1 The next day is when I took examples, and 2 then I actually provided an e-mail with maybe four or 3 five examples of class-wide plagiarism for him to 4 review. Teachers committing plagiarism in their own 5 classes constantly. I was able to compile with some 6 classmates a pretty hefty file right off the bat of 7 class-wide plagiarism. 8 He told me that he wanted to meet with me 9 and him and Francisco to discuss what was happening 10 with Melissa and everything, but that he was going to 11 stop me from being expelled. 12 That meeting didn't occur. It couldn't 13 occur, but I received word I believe over the weekend 14 that not to fear, that Francisco and Tim were going 15 to be there at this hearing to make sure it went okay 16 for me. 17 And that's -- Daymon ended up, my 18 ex-husband, being my support person that was allowed, 19 and we arrived the Monday morning for the hearing. 20 They were all meeting already -- Francisco, Tim, 21 Robin, Melissa, and Susan -- when we showed up, and 22 then we were invited to join them after about 10 or 23 15 minutes. 24 Q. Okay. Why -- I have to ask. Why was your 25 ex-husband appearing at the meeting as your support</p>	<p style="text-align: right;">112</p> <p>1 Q. Did you record any of your interactions 2 with any of the SWOCC administrators regarding this? 3 A. Much later, like a year after the fact I 4 believe I recorded my last interaction with Tim 5 Dailey, but I'd have to go back in my file and look 6 at it. 7 Q. Okay. Again, we have requested any copies 8 of any recordings that you had with any of the 9 defendants in the case. So if you do have any, I'd 10 like you to give those to your attorney. 11 A. Yeah, if I can go back and recheck my old 12 file, but I think it was more of a -- nothing of 13 substance in that meeting, so I might not have kept 14 it. Not a hearing, a quick meeting with him, but I 15 was trying to be more careful and mindful to record 16 every interaction with SWOCC. But, again, there 17 weren't really many to record, because I was no 18 longer a student. 19 Q. Okay. So sometime after you left being a 20 student at SWOCC, you recorded an interaction with 21 Tim Dailey that you may or may not have a copy of 22 anymore. Correct? 23 A. Correct. I will double check for you. 24 Q. Thank you. Describe for me your meeting 25 with Tim Dailey prior to the Monday meeting.</p>

<p style="text-align: right;">113</p> <p>1 A. He was very kind, very sympathetic, 2 empathetic to what was happening. He said that he 3 was getting pretty sick of the bullying in the 4 nursing program and that, obviously, if these 5 examples that I was providing were accurate and 6 correct, he would make sure that nothing bad happened 7 to me.</p> <p>8 Q. Did he ask for any additional information 9 from you?</p> <p>10 A. He just said have my classmates e-mail him 11 anything that might be useful.</p> <p>12 Q. Okay. So in the April 30th meeting again 13 we have Tim Dailey, Francisco Saldivar, Melissa 14 Sperry, Susan Walker, yourself, and Daymon?</p> <p>15 A. And Robin Finney.</p> <p>16 Q. And Robin Finney. Did they review the 17 student deficiency form and discuss what probation 18 meant?</p> <p>19 A. Yes. Yes, I was -- they tried to go 20 through all the things I had done wrong, and I had 21 brought a tablet with a slideshow that showed 22 immediately after that plagiarism from Melissa and 23 plagiarism from my classmates word for word from the 24 textbooks.</p> <p>25 I believe they explained that her</p>	<p style="text-align: right;">115</p> <p>1 Kalmycova who had been driven out of school by 2 Melissa and Susan the year before, and I guess had 3 played her cards right and took it well and was 4 allowed back in with my class. Somebody, I believe 5 Stephanie Kyelberg, told me I need to speak with her 6 because our situations were so similar.</p> <p>7 And so Monday before I went into this 8 meeting, she told me that, you know, it started with 9 Melissa picking at her work and when she tried to 10 stand up for herself, the school kind of circled the 11 wagons. Susan accused her of being angry and unsafe 12 with her patients, and ultimately she was driven out 13 of the college.</p> <p>14 Q. And this is -- is this information you got 15 from Victoria directly --</p> <p>16 A. Directly.</p> <p>17 Q. -- prior to the Monday meeting?</p> <p>18 A. Yes. And she said she would stand with me 19 and be 100 percent in my corner, because she wasn't 20 going to watch this happen to someone else.</p> <p>21 Q. Okay. Are you still in contact with 22 Victoria?</p> <p>23 A. Yes.</p> <p>24 Q. When was the last time you spoke with 25 Victoria?</p>
<p style="text-align: right;">114</p> <p>1 plagiarism, Melissa's plagiarism wasn't plagiarism 2 because she was a teacher, and so they don't have to 3 cite their sources. I'm not sure where the truth 4 lies with that because I heard, you know, otherwise 5 in her deposition. But I was told that is called 6 like a -- I can't remember, standing consent or 7 something, implied, implied consent on materials. 8 I'm not exactly sure how they phrased it. So I said, 9 okay, that's -- that's dandy, but it doesn't change 10 the fact that my whole class is doing exactly what 11 I'm sitting here for.</p> <p>12 And, you know, between the fake 13 assignment, between not letting me take my test 14 early, between having me spend so much time on a fake 15 assignment and it not counting for anything and 16 costing me this much in Robin's class, I feel like 17 I'm being targeted and harassed by Melissa and kind 18 of finally understanding what people were talking 19 about. But there's -- I feel like there's a target 20 on my back, and I want to be treated fairly as any 21 other student would be.</p> <p>22 Robin somewhere in there explained what 23 had happened. And I want to be clear, I also 24 spoke -- Monday morning before this meeting was the 25 first time I spoke with a student named Victoria</p>	<p style="text-align: right;">116</p> <p>1 A. I spoke with her directly, maybe more than 2 a year. Commenting on photos or liking photos, like 3 "oh, so cute" or "congratulations" on Facebook maybe 4 once every few months.</p> <p>5 Q. Sure. What other similarities did you and 6 Victoria discuss between her situation and your 7 situation?</p> <p>8 A. That's just what stood out, that it just 9 started with Melissa kind of zeroing in on her, and 10 then once that happened there was no hope. And the 11 more you fight back, the more you're going to get 12 kind of warning. But that she was in my corner. 13 That was pretty much the gist of the conversation.</p> <p>14 Q. And the examples of other instructors and 15 students engaging in plagiarism that you brought to 16 that meeting, those were all examples of people who 17 had copied from the textbook and included it in their 18 either assignments or presentations?</p> <p>19 A. Yes. I'm sure there were others that 20 included online sources, too. Again, I think this is 21 something that, you know, Brandon, our people who are 22 working with Grammarly and the textbooks right now 23 will have to speak to. But if you run them through 24 the system, I'm sure you'll find a nice combination.</p> <p>25 Q. Okay. Did you keep copies of what you</p>

<p style="text-align: right;">117</p> <p>1 brought to that Monday morning meeting?</p> <p>2 A. Yeah. It should have all been in</p> <p>3 discovery.</p> <p>4 Q. Okay. It sounds like it's a fair summary</p> <p>5 to say that by the time of this Monday meeting you</p> <p>6 were a firm believer that Ms. Sperry was targeting</p> <p>7 you and treating you different than your classmates?</p> <p>8 A. Yes.</p> <p>9 Q. Did you feel that any other instructors</p> <p>10 were doing something similar?</p> <p>11 A. No, not until the end of the meeting.</p> <p>12 Q. Okay. And did you express in this meeting</p> <p>13 an opinion as to why you were being singled out by</p> <p>14 Ms. Sperry?</p> <p>15 A. I did not.</p> <p>16 Q. What was the outcome of the meeting?</p> <p>17 How -- what was your understanding of where things</p> <p>18 stood at that time?</p> <p>19 A. Francisco and Tim said, we're sorry we</p> <p>20 weren't able to meet with people before the meeting,</p> <p>21 you know, scheduling conflicts, but we -- we just</p> <p>22 need you to sign this form about probation,</p> <p>23 understanding that we're going to have this meeting</p> <p>24 where we're going to review all of your classmates'</p> <p>25 work, everything that was sent, anything else you can</p>	<p style="text-align: right;">119</p> <p>1 wait in the hallway. He slammed the door, and you</p> <p>2 could hear him screaming at Susan.</p> <p>3 Q. What was -- you just described a pretty</p> <p>4 animated demeanor that you and Daymon had, and you</p> <p>5 described Susan's kind of demeanor, mumbling and</p> <p>6 mentioning this. Is that fair to say that you were</p> <p>7 quite agitated at this point?</p> <p>8 MR. MARK: Misstates the testimony.</p> <p>9 Q. (By Mr. Reese) Yeah, let me give you an</p> <p>10 opportunity. What was your demeanor during this</p> <p>11 meeting when Ms. Walker said those things?</p> <p>12 A. First, before she said those things, I</p> <p>13 was -- I was comforted. I was comforted by Tim and</p> <p>14 Francisco. I felt that there was -- this was going</p> <p>15 to end, that we were going to establish the whole</p> <p>16 nursing program needed -- if they wanted us to do APA</p> <p>17 standards, that we needed to make that clear and not</p> <p>18 zero in. And I just kind of felt like this is about</p> <p>19 to end in a good way, and then maybe we can all just</p> <p>20 get back on track and leave it all behind us.</p> <p>21 So I was calm. I was pretty happy with</p> <p>22 the way the meeting had went. I was pretty shocked.</p> <p>23 Because, like I had described, Susan had a cold</p> <p>24 demeanor when I went to her after class when my</p> <p>25 grades were changed, when she said I couldn't bring</p>
<p style="text-align: right;">118</p> <p>1 provide, interview your classmates, and then we will</p> <p>2 make sure this all goes away. So just be patient</p> <p>3 with us while we conduct an investigation. Sign this</p> <p>4 paperwork and just know that we'll take care of it.</p> <p>5 And so that was where the meeting seemed</p> <p>6 to end. Everybody was just kind of like in cold</p> <p>7 agreement -- fine, whatever, that works. And they</p> <p>8 all stood up but not Susan. She was shaking and</p> <p>9 mumbling under her breath. She started with, Need to</p> <p>10 call the nursing board. I need to talk to Liz. And</p> <p>11 everyone's already standing and just kind of looking</p> <p>12 at her weird, and just like, I'm sorry, what was</p> <p>13 that?</p> <p>14 And she looked at me, and she was very</p> <p>15 visibly struggling emotionally. Maybe anger, just so</p> <p>16 angry she was shaking. She almost was tearing up.</p> <p>17 And she said, You're a very angry person, and I have</p> <p>18 reasons to believe you're unsafe with your patients.</p> <p>19 And then Daymon, my ex-husband, chimed in.</p> <p>20 He's like, Oh, that's so weird. We just talked to</p> <p>21 Victoria Kalmycova, and you came up with that exact</p> <p>22 wording for her last year after Melissa picked a</p> <p>23 fight with her.</p> <p>24 And as soon as he said that, Francisco</p> <p>25 Saldivar basically yelled, shouted at Daymon and I to</p>	<p style="text-align: right;">120</p> <p>1 an attorney. But overall, I still didn't think that</p> <p>2 she was against me or anything. I very much felt</p> <p>3 that she was trying to figure out what was happening</p> <p>4 in the same way I felt everyone else was. It wasn't</p> <p>5 until that moment he shouted.</p> <p>6 So it was -- it's amusing to me to hear</p> <p>7 her talk now about my emotions or tone of voice,</p> <p>8 because I was genuinely taken back by that whole</p> <p>9 outburst, and she was visibly very, very upset and in</p> <p>10 a shocking way. Like, I don't know really how to</p> <p>11 explain it except it was pretty shocking.</p> <p>12 And then, again, she was mumbling under</p> <p>13 her breath a little bit wild. Like, it was wild to</p> <p>14 see. She's just searching. I can only explain what</p> <p>15 I'm seeing. I can't explain what she was</p> <p>16 experiencing. But it was pretty shocking. And then</p> <p>17 she's like, something about calling the nursing</p> <p>18 board, she needs to interview or talk to Liz.</p> <p>19 And then I'm like, Wait, what? And</p> <p>20 everyone is just kind of staring at her, and I'm</p> <p>21 like, What are you saying, Susan? Because she's</p> <p>22 still sitting. And then she just puts her fist down</p> <p>23 and looks me in the eye and, I have reason to</p> <p>24 believe -- you're a very new person. I have reason</p> <p>25 to believe that you're unsafe with your patients.</p>

<p style="text-align: right;">121</p> <p>1 And I was shocked. I didn't say anything. 2 I didn't have a response because I was, like, more 3 shocked by her demeanor, still trying to catch up 4 with her words. And immediately my ex-husband chimed 5 in. He's like, We just talked to Victoria, same 6 exact line. Like, that's -- 7 And then Francisco, I guess before he -- 8 I'm still processing while all these people are 9 responding at this point. So Francisco immediately 10 told us to leave the meeting, slammed the door, 11 started screaming at Susan. 12 Q. Okay. You mentioned several times that 13 you weren't allowed to bring an attorney to this 14 meeting. Did you want to bring an attorney to this 15 meeting? 16 A. Absolutely, yes. 17 Q. Why? 18 A. Because I had already caught on that this 19 was not going to be a very fair or clear or concise 20 situation because of the fake assignment. Again, 21 trying to take my test early. It had already been so 22 discombobulated and just, it's kind of like 23 intentional chaos. So I wanted to make sure that I 24 was being as protected as possible, because it 25 already had become clear to me that Melissa was very</p>	<p style="text-align: right;">123</p> <p>1 get to your question, please. 2 Q. Sure. 3 A. (Witness review the document.) 4 Okay. Yes, I remember writing Robin this 5 e-mail. 6 Q. And this was after you had had the series 7 of in-person discussions with Robin the day before? 8 A. Yes. 9 Q. What prompted you to send this? Do you 10 recall? 11 A. I wanted to apologize and explain myself. 12 I just wasn't getting a sense from Robin that there 13 was any ill will, and I respected her and I wanted 14 her to know that I was sorry for not being very on 15 point with her assignment, that I wasn't coming from 16 a place of malice. I wasn't trying to cheat, that if 17 we're making an issue of citations that we need to 18 acknowledge it's program wide, et cetera. 19 But mostly I wanted to apologize. And 20 I -- I just didn't feel like -- I felt like in a 21 sense I had put Robin in the middle and Melissa was 22 putting Robin in the middle, and I felt bad and I 23 wanted to apologize for my role in it. 24 Q. Did you have any further communications 25 with Ms. Finney between sending this e-mail and the</p>
<p style="text-align: right;">122</p> <p>1 good at what she was doing and I was making it harder 2 for her, but I needed to be very careful. 3 Q. Had you hired an attorney to represent you 4 at this point? 5 A. No. 6 Q. When did you hire the attorney out of 7 Eugene to assist you? 8 A. Pretty quickly. I had spoken with him 9 probably the first week after this hearing or before 10 this hearing -- no, after. It was after. I didn't 11 retain him until much later when it was clear that 12 SWOCC wasn't going to do what they promised and that 13 they were never going to step up and protect me from 14 what was happening. 15 Q. And is that Steve Baldwin you're talking 16 about? 17 A. Yes. 18 Q. Okay. Let's take a look at the document 19 Bates labeled SWOCC 2787, which we'll mark as 20 Exhibit 53. 21 (EXHIBIT 53 WAS MARKED.) 22 Q. This is an e-mail that you sent to 23 Ms. Finney on the 26th. So this would have been the 24 Thursday before that Monday meeting, right? 25 A. Let me just finish reading it before you</p>	<p style="text-align: right;">124</p> <p>1 meeting on Monday morning? 2 A. No, not that I -- I mean, if I do, I don't 3 recall her ever even replying to this. 4 Q. Sure. 5 A. So -- yeah. 6 Q. All right. 7 A. I don't know if that was a response, or 8 was mine the last one? I don't know if she responded 9 to that. I don't recall. 10 Q. Okay. Let's take a look at SWOCC 564, 11 which will be Exhibit 54. 12 (EXHIBIT 54 WAS MARKED.) 13 Q. So this appears to be an e-mail that you 14 sent to Dean Saldivar on May 2nd? So after that 15 Monday meeting, correct? 16 A. Yes. 17 Q. And here you're directing Dean Saldivar to 18 look into Sperry's Rate My Professor website. Is 19 that right? 20 A. Yes. 21 Q. What prompted you to send this e-mail? 22 A. I'm not sure who told me to look at it, 23 but someone in the midst of all -- one of my 24 classmates mentioned that she had terrible reviews. 25 I looked and added to it myself. But, yeah, there</p>

<p style="text-align: right;">125</p> <p>1 was definitely a theme that matched the reputation 2 that I had already been made aware of. 3 Q. Did you keep copies of any of the 4 information that you pulled off of Rate My Professor 5 at that time? 6 A. I did not. 7 Q. Did you keep a copy of whatever you posted 8 on Rate My Professor? 9 A. No. It should still be there. 10 Q. I see here towards the middle of your 11 e-mail you write. "I am absolutely making it my 12 mission to bring change and protect the future 13 student nurses from this horrific experience." 14 What's the horrific experience you're 15 talking about? Is it being treated differently than 16 your classmates with regard to the plagiarism issue? 17 A. It is being targeted, you know, the same 18 way Victoria describes, the same thing that was 19 happening to me. Whatever reason prompts it is, you 20 know, in Melissa's head alone, but she definitely has 21 a theme. And once I was made aware and saw copies of 22 Victoria's complaints, I understood the reputation 23 that the nursing program had a lot better and why I 24 was given such sound and strong advice to keep my 25 head down, to take their punches, and let them have</p>	<p style="text-align: right;">127</p> <p>1 was for no credit, and the case study was the one I 2 was never assigned that was for credit. 3 Q. And all of the communications that you had 4 with Ms. Sperry regarding the Kaplan assignment are 5 the e-mail communications, correct? 6 A. Yes, I believe that is the case. 7 Q. Let's look at SWOCC 540, which will be 8 Exhibit 55. 9 (EXHIBIT 55 WAS MARKED.) 10 A. Okay. Are we just referring to the 11 bottom? Because I wasn't done at the top. 12 Q. Yeah. Let's start with the earlier one in 13 time. 14 A. (The witness reviews the document.) Okay. 15 Q. All right. Do you recall sending this 16 e-mail to Dean Saldivar on May 7th? 17 A. I don't recall specifically sending it, 18 but I -- it is from me to him on May 7th, yes. 19 Q. So this is approximately a week after the 20 Monday meeting you were talking about? 21 A. Correct. 22 Q. And was it your understanding leaving that 23 Monday morning meeting that while the deans were 24 looking at your concerns about being treated 25 differently than your classmates, you were still a</p>
<p style="text-align: right;">126</p> <p>1 their little power trips. 2 I decided at that point that that kind of 3 behavior and what they were trying to pull -- and 4 quite sloppily, I guess, in my eyes -- was not going 5 to -- it wasn't going to work with me, and that they 6 need to understand that you don't just get to decide 7 to destroy someone's life. 8 Q. You've mentioned several times the fake 9 assignment that you were given that resulted in you 10 being rushed to turn in the assignment that had the 11 plagiarism. Other than the e-mail exchange that we 12 reviewed, what information led you to believe that 13 the Kaplan remediation was a fake assignment? 14 A. She told me it was a fake assignment. 15 She -- it's right there. And she's like, that wasn't 16 the one I assigned to you, so -- and then gave me a 17 zero on it because it wasn't the assignment she 18 claims she assigned -- although, again, it's the only 19 one that showed up, and she pointed me directly where 20 to find the instructions for it. There's no 21 instructions for a case study where she pointed me. 22 There's instructions for the Kaplan remediation. 23 So, again, I was assigned the Kaplan; I 24 was not assigned the case study. So the Kaplan was 25 the fake assignment I spent all weekend on, that I --</p>	<p style="text-align: right;">128</p> <p>1 student, you were still attending classes, you were 2 still working towards grades in those classes? 3 A. It was supposed to be that way. That's 4 not what was occurring. 5 Q. How was it not occurring? 6 A. I was no longer being taught in class. I 7 could raise my hand and be ignored. My tests were 8 being graded intentionally incorrectly. I was being 9 harassed by teachers. Specifically, that's where 10 Pamela Wick comes in. None of my classmates felt 11 like they were safe talking to me anymore, except 12 maybe the ones that were dealing with their own 13 issues or had their own issues and were a little bit 14 more understanding. But overall, a lot of my friends 15 said that they loved me and they're still there for 16 me from a distance, but they didn't want to put a 17 target on their back, because very clearly I was 18 being targeted. 19 So, yeah, I mean, ideally life would have 20 continued as it should have, but that's not at all 21 what was occurring. And it was -- it was torture 22 every day. 23 Q. Do you have a recollection of what 24 occurred in that first week between May 1st -- 25 sorry -- April 31st and May 7th, or are you just</p>

<p style="text-align: right;">129</p> <p>1 giving me a summary of your experience at SWOCC after 2 these issues had arisen?</p> <p>3 A. At that point, a summary.</p> <p>4 Q. Okay. Do you have a memory of what was 5 going on between that Monday morning meeting and the 6 time that you sent this e-mail to Dean Saldivar?</p> <p>7 A. No. To be more specific about dates and 8 events, I would have to look at e-mail chains and 9 dates at this point to pinpoint specifics for you.</p> <p>10 Q. That's fine. And I don't want you to 11 guess. I just wanted to see if I can get your best 12 summary of what was going on here. If you don't 13 recall specifically what was going on that week, it's 14 okay.</p> <p>15 You do say in this e-mail to Dean 16 Saldivar -- you can see kind of where my pointer is 17 here towards the middle of the second paragraph -- 18 you write, "What we're looking at is defamation, 19 harassment and discrimination based on age."</p> <p>20 A. Yeah. I was referring to Stephanie and 21 Victoria on that one.</p> <p>22 Q. Okay. But you're referring to the way 23 you're being treated by Melissa Sperry?</p> <p>24 A. As well. It was kind of all encompassing 25 as to what -- I wasn't initially going to be going at</p>	<p style="text-align: right;">131</p> <p>1 singled out and bullied but was less enthusiastic 2 about pursuing a complaint, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And May didn't necessarily have concerns 5 about how she was being treated but agreed that 6 everyone was engaged in the same plagiarism that you 7 had been put on probation for?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And you write to Dean Saldivar that 10 "what we're looking at is defamation, harassment and 11 discrimination based on age." What are you referring 12 to in that statement to the dean?</p> <p>13 A. Again, it was just sort of an 14 all-compassing thing. But specifically the 15 defamation came down to the claim that I was unsafe 16 with my patients. That is very serious. I mean, 17 obviously, one of the few things in this situation 18 that would be more serious than plagiarism, calling 19 me dangerous with patients. And having spent almost 20 a decade already working closely with patients as an 21 EMT and a paramedic, I understand how important, you 22 know, being a safe provider is. So that -- that 23 immediately ignited -- when I --</p> <p>24 Like I said, in the moment I was so 25 shocked by it that I didn't even get to respond; but</p>
<p style="text-align: right;">130</p> <p>1 this alone. There were students with other 2 grievances that were brave at first. And so when I 3 say this is what we're looking at, I'm not 4 necessarily specifying what we're looking at as far 5 as from my situation specifically, but as a whole 6 group that we were kind of approaching it as 7 initially. So --</p> <p>8 Q. Okay. At this time you were a member of a 9 group. Let's make sure I know who that group is. 10 It's you, Victoria. Who else?</p> <p>11 A. Stephanie. Mostly Victoria. As far as 12 like actually willing to fight fire was me and 13 Victoria. Stephanie timidly was willing to talk and 14 express her grievances with what she had endured, but 15 yeah, there were people willing. May, she didn't 16 really have any grievances per se but was willing to 17 discuss like the plagiarism aspect. And so there 18 were a few people willing to step forward. So at 19 that point it was just kind of like, I have a lot to 20 give you when you're ready to take it kind of thing.</p> <p>21 Q. Okay. So at the time that you wrote this 22 e-mail, you and Victoria had grievances about being 23 singled out and bullied by Melissa Sperry, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Stephanie had similar concerns about being</p>	<p style="text-align: right;">132</p> <p>1 boy, did that really cue me in that I needed to 2 get -- fight back. I was not going to let someone 3 make me a plagiarist and then also make me unsafe 4 with my patients, because this was already my career. 5 It wasn't something I was just entering into, and I'm 6 not and nor have I ever been unsafe with patients.</p> <p>7 I know she's very strongly back-pedaled on 8 that, but that's just called perjury. So -- yeah, 9 but defamation for sure, making a completely false 10 and un -- yeah, that word. But, yeah, it was -- it 11 was shocking.</p> <p>12 So also this week, you said do I remember 13 anything specific. I do remember one big thing that 14 really also kind of tuned up the -- I don't want to 15 say fight, because I was trying to prevent it from 16 being a fight the whole time -- but took things up a 17 notch was Susan not only making that claim, but then 18 she showed up the following Tuesday after that 19 meeting to my clinical location at Coquille Hospital, 20 which had never once occurred before. Took Liz 21 Cooper away and interrogated her for almost two 22 hours, trying to prove or get Liz to back her up on 23 the claim that I wasn't safe with my patients.</p> <p>24 So it wasn't just a passing, hey, Liz, is 25 Nicole safe with her patients? She interrogated her</p>

<p style="text-align: right;">133</p> <p>1 two hours straight.</p> <p>2 Q. How did you come to learn of this two-hour</p> <p>3 interrogation?</p> <p>4 A. Liz came to me immediately after she was</p> <p>5 done. She was very upset. She said that she really</p> <p>6 didn't want to be put in the middle. She was visibly</p> <p>7 upset. She said, not to worry, I told her the truth,</p> <p>8 that you're great with your patients, that you have</p> <p>9 an amazing bedside manner, and that you're very safe.</p> <p>10 I'm not --</p> <p>11 Q. Let me understand the concern about being</p> <p>12 accused of being unsafe with patients. We have what</p> <p>13 you heard Ms. Walker state in the Monday morning</p> <p>14 meeting, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Outside of hearing her say it there, have</p> <p>17 you heard Ms. Walker accuse you of being unsafe with</p> <p>18 patients at any time?</p> <p>19 A. Yes.</p> <p>20 Q. When?</p> <p>21 A. I had a meeting. It was supposed to be,</p> <p>22 my understanding, an advisory meeting with Susan</p> <p>23 Walker. I believe maybe I asked Francisco Saldivar</p> <p>24 to be there, or she did. But either way, it was</p> <p>25 concluded that I definitely did not want to be alone</p>	<p style="text-align: right;">135</p> <p>1 you are saying that it's defamation, which you've</p> <p>2 explained, harassment and discrimination based on</p> <p>3 age. You go on to point out that although he may not</p> <p>4 have noticed, all of the students that these women</p> <p>5 target are 30 and above. So we're talking about you,</p> <p>6 Victoria, and Stephanie all being students above the</p> <p>7 age of 30?</p> <p>8 A. I believe Stephanie pointed out quite a</p> <p>9 few more examples. Stephanie is 50's, business owner</p> <p>10 in Coos Bay, and born and raised, very much</p> <p>11 intertwined with the community. Her and her husband</p> <p>12 are pretty well to do. Pretty much know everybody,</p> <p>13 know everything that happens in the town kind of</p> <p>14 people.</p> <p>15 So she -- she's the one who I believe</p> <p>16 developed the pattern. And I think she even quoted</p> <p>17 as much into my story talking about feeling targeted</p> <p>18 for her age and that I took the attention off of her,</p> <p>19 and so on and so forth. That was Stephanie's input</p> <p>20 on that article.</p> <p>21 Q. Okay. You go on to let Dean Saldivar know</p> <p>22 that if this isn't resolved by lunch today, you'll be</p> <p>23 forced to contact the board of education, the media,</p> <p>24 your attorney, the nursing board, and anyone else</p> <p>25 that you believe can help. Did you in fact contact</p>
<p style="text-align: right;">134</p> <p>1 with any of my teachers, like I previously mentioned,</p> <p>2 that I needed to protect myself moving forward.</p> <p>3 So Francisco was there, but this is also</p> <p>4 when I saw the shift with him, because at this</p> <p>5 point -- I was still waiting at this point</p> <p>6 impatiently for him to do what he had promised to do</p> <p>7 all along but he kept putting off, and that was to</p> <p>8 review the materials, speak to my classmates, and</p> <p>9 clear me of any wrongdoing.</p> <p>10 Instead, we had a meeting with him, Susan,</p> <p>11 and myself, and they said in order to alleviate the</p> <p>12 concerns that I am still unsafe with my parents, they</p> <p>13 wanted me to submit to a practical exam, like with a</p> <p>14 mannequin. I believe she described it as a make-up</p> <p>15 in her deposition.</p> <p>16 That's completely false. It was never</p> <p>17 described as anything graded. It was never described</p> <p>18 as a make-up exam. It was very clearly stated by her</p> <p>19 and Francisco that to alleviate any concerns about</p> <p>20 the claim that I am unsafe with my patients, I am to</p> <p>21 submit to a practical exam to the person making the</p> <p>22 claim -- Susan -- so that she can decide if she can</p> <p>23 substantiate her own false claim or not. And, of</p> <p>24 course, I said I would not be doing that.</p> <p>25 Q. Okay, let's go back to Exhibit 55. Here</p>	<p style="text-align: right;">136</p> <p>1 the board of education at some point?</p> <p>2 A. Yes.</p> <p>3 Q. That's also the Department of Education?</p> <p>4 A. Yes. I contacted everyone.</p> <p>5 Q. Okay. Do you recall when you made a</p> <p>6 complaint to the Department of Education?</p> <p>7 A. I don't recall the specific dates, no.</p> <p>8 Q. And you made a complaint to the nursing</p> <p>9 board, correct?</p> <p>10 A. Correct.</p> <p>11 Q. What was the result of the complaint, your</p> <p>12 complaint to the nursing board?</p> <p>13 A. They came and said they were investigating</p> <p>14 rampant plagiarism and harassment. Eventually --</p> <p>15 well, Nancy Ireland was the first person. She came</p> <p>16 and said that -- I think her ending comment to</p> <p>17 Victoria, this would be hearsay, but was that she's</p> <p>18 shocked at what she found and that we have nothing to</p> <p>19 worry about; these teachers aren't going to be there</p> <p>20 anymore.</p> <p>21 What actually ended up happening, through</p> <p>22 a series of different people becoming involved and</p> <p>23 certain things I can't speak about because of</p> <p>24 client -- attorney-client privilege with Kevin Gregg,</p> <p>25 but -- yeah. Eventually, they said there was no</p>

<p style="text-align: right;">137</p> <p>1 wrongdoing. I actually recently talked to the 2 nursing board and actually the manager of the 3 investigations department, and I've been contacted 4 about reopening the case. 5 Q. Have you submitted any documentation with 6 the goal of getting the case submitted? 7 A. I gave them the document from the school 8 admitting that I was cleared of -- that there was 9 rampant plagiarism, that I possibly was a victim of 10 harassment, although it was quoted as 11 misunderstanding as far as the fake assignment goes, 12 but that, yeah, I was being singled out and that I 13 should be returned to good standing. But just, yeah, 14 from the horse's mouth. 15 Q. Let me pull up here -- this is PL-0076, 16 which will be Exhibit 56. This is a document I got 17 from your attorney in discovery. And it looks to me 18 to be a printout of a communication between you and 19 Dave Bowman with the state. 20 (EXHIBIT 56 WAS MARKED.) 21 A. Yes. 22 Q. Is that right? 23 A. Yes. 24 Q. What is this? 25 A. Well, as soon -- Leslie Kilborn was the</p>	<p style="text-align: right;">139</p> <p>1 children, Lydia Casas, was friends with the 2 defendants. I saw her meeting with Dean Saldivar 3 when I showed up too early one day. She was a SWOCC 4 alumni. Her office used to be on the SWOCC campus. 5 She was friends with a lot of people who worked at 6 SWOCC. And then the case she, like, built up against 7 me immediately started with things that SWOCC was 8 looking for getting themselves, like a psych 9 evaluation and calling me crazy or -- you know, then 10 it went on to drug addict. 11 Yeah, "crazy" was a big theme. 12 Immediately wanting a psych evaluation, taking my 13 kids away. And again, I saw things, like her meeting 14 with the dean himself. And her investigation was 15 beyond far from ethical, and I can irrefutably prove 16 a lot of perjury from her. Working with my ex, 17 Daymon, and telling him that she would help him cover 18 up abuse if you turn witness against me. These are a 19 lot of things, too, that, like, Daymon won't have to 20 be deposed or things like that. So -- 21 Q. So let me make sure I understand. It's 22 your belief that representatives of SWOCC either 23 worked with or encouraged DHS employees to -- on how 24 they would evaluate your custody situation with 25 Daymon?</p>
<p style="text-align: right;">138</p> <p>1 investigator running the show. Her investigation was 2 taking a very long time. But as soon as my prior 3 attorney and I decided to link Department of Human 4 Services and the social worker who took my children 5 to the case, I sent that information to the nursing 6 board. 7 Within an hour of receiving that 8 correspondence, Dave Bowman e-mailed me and said that 9 he was taking over the investigation for Leslie 10 Kilborn and that he specifically did not want me to 11 send any evidence about DHS or anything to him, and 12 that he would be in contact if he wanted anything 13 else, and then he found no wrongdoing. 14 Q. (By Mr. Reese) And here you're writing, 15 "I guess we now know how high the corruption goes." 16 Are you accusing Mr. Bowman of corruption? 17 A. I'm saying that I have belief that once my 18 prior attorney linked DHS to the case against the 19 school that the case possibly could have been 20 interfered with on a state level, because now it 21 implicated really serious things like kidnapping 22 children to bury lawsuits. 23 Q. What do you mean "kidnapping children to 24 bury lawsuits"? 25 A. I mean that the social worker who took my</p>	<p style="text-align: right;">140</p> <p>1 A. He told me specifically that's what was 2 said. 3 Q. Who told you that? 4 A. Daymon. That the social worker, Lydia 5 Casas, the SWOCC alumni person, specifically said 6 that she would overlook the violence against him and 7 make me out to be crazy as long as he became a 8 witness against me. 9 Q. Okay. But you're also -- your belief is 10 that somehow SWOCC employees, it sounds like 11 specifically Dean Saldivar, had some impact on your 12 DHS hearing? 13 A. I believe that, yes. 14 Q. What leads you to believe that, other than 15 what you just told me? 16 A. Other than seeing them meeting, lying 17 about that meeting, all of the connections she had, 18 the way that she built her case, and just against -- 19 it just made no sense. Directly putting my children 20 in harm's way, sacrificing them, if anything, in 21 order to make a case against me. There was just -- 22 eventually my attorney said something along the lines 23 of nobody works as hard to discredit someone unless 24 there is an ulterior motive, and it's very clear that 25 the discrediting you is this person's top priority.</p>

<p style="text-align: right;">141</p> <p>1 And my children had to be removed from 2 their situations specifically for being abused and 3 neglected and -- okay, I'm sorry. 4 Yeah. So they had to remove my children 5 from the places that I said they were unsafe, because 6 it turns out they were unsafe. 7 Q. And it sounds like the information you 8 have connecting SWOCC to your DHS matter is your 9 observation of Dean Saldivar and Lydia Casas being 10 together at some point? 11 A. That was the first time that I -- I felt 12 it to be the case, yes. When I saw them together and 13 their reaction, not just him being there, but their 14 reaction to them seeing me see them was very 15 startled. He turned white as a ghost, very startled, 16 shaken. And this is someone that I'd been talking to 17 on and off frequently. So just seeing me, he had no 18 reason to be startled, but seeing him walking out of 19 her office and seeing him was enough to really throw 20 him for a loop, for sure. 21 Q. But you observed Dean Saldivar walking out 22 of Lydia Casas's office with Lydia Casas? 23 A. I saw her -- 24 MR. MARK: Can we get a time here? 25 Q. (By Mr. Reese) I'll ask the time, but I</p>	<p style="text-align: right;">143</p> <p>1 Department of Education. What's your understanding 2 of the outcome of that complaint? 3 A. They never launched an investigation. 4 Q. Did they ever explain why? 5 A. I -- I don't recall. 6 Q. And did you meet with representatives of 7 the nursing board as part of their investigation? 8 Ms. Ireland -- 9 A. Only -- only Nancy Ireland, only the 10 initial investigator. 11 Q. Okay. 12 A. They never interviewed me ever, 13 individually, or past her initial group interview of 14 myself and my classmates all together. 15 MR. REESE: All right. Let's take a 16 ten-minute break and come back at -- it'll be 17 three o'clock your time. 18 THE WITNESS: Sounds good. 19 (Recess from 2:49 p.m. to 2:59 p.m.) 20 Q. (By Mr. Reese) All right, we'll share the 21 screen here. Can you see the screen share here? 22 A. Yeah. 23 Q. Is it on the PDF? 24 A. It's triggering my OCD just a bit. 25 Q. Am I sharing the wrong screen? Is it the</p>
<p style="text-align: right;">142</p> <p>1 understand this is one was occurrence. Right? 2 A. Yes. It was on July 19th, my daughter's 3 second birthday. I showed up at DHS probably 4 45 minutes early because I didn't live in town. I 5 lived outside of town and I was in town running 6 errands. And I finished the errands early, so I 7 decided I'd just wait in the office and read a book 8 until my appointment. 9 When I was walking in, Saldivar was 10 walking out. He saw me first, I saw him first. I 11 walked through the door. There was Lydia like she 12 had just maybe walked him out. I can't say for sure. 13 We subpoenaed the video footage, which apparently 14 doesn't exist, even though there's cameras all over 15 that place. 16 Q. What building are we talking about? 17 A. The Department of Human Services building, 18 child services. 19 Q. In Coos Bay? 20 A. Yes. 21 Q. And July 19th, 2018? 22 A. Yes. 23 Q. Okay. All right, let's get back to -- I 24 guess I should say -- well, no. 25 You also filed a complaint with the</p>	<p style="text-align: right;">144</p> <p>1 PDF you can see, or are you looking -- 2 A. No, I can see the screen share now. I 3 just meant initially your desktop is very full. 4 Q. Yeah. 5 MR. MARK: What we can see is what you're 6 trying to share. 7 MR. REESE: You can? 8 MR. MARK: No. 9 MR. REESE: Oh, that's what I was afraid 10 of. One second. Is that better? 11 MR. MARK: Perfect. 12 Q. (By Mr. Reese) All right. This is SWOCC 13 00480, which will be Exhibit 57. 14 (EXHIBIT 57 WAS MARKED.) 15 Q. I understand that probably the day before 16 this e-mail, so May 15th, you had an exchange with 17 Pam Wick in class. Is that right? 18 A. Yeah -- no, it was not in class. 19 Q. Where was it? 20 A. In her office. 21 Q. Okay. And this is referring to that 22 interaction? 23 A. Yes. I felt like I sent the e-mail that 24 same day though, if I remember correctly. So it 25 wasn't the day before, it would have been on this</p>

<p style="text-align: right;">145</p> <p>1 day. Which makes sense, because it was sent on</p> <p>2 Wednesday and the lectures were Wednesday, and this</p> <p>3 occurred -- the incident with her occurred after the</p> <p>4 lecture on Wednesday.</p> <p>5 Q. Okay. And in here you end the e-mail</p> <p>6 with: "The formal complaints I've filed with the</p> <p>7 board of nursing are against Susan and Melissa. I'm</p> <p>8 happy to include you too if you don't stop skimming</p> <p>9 my grades." Is that what you wrote?</p> <p>10 A. Absolutely.</p> <p>11 Q. So the complaint with the nursing board</p> <p>12 that had been issued sometime after that Monday</p> <p>13 meeting and before this e-mail, you had only</p> <p>14 complained about Melissa and Susan. Right?</p> <p>15 A. Absolutely, yeah. And I didn't -- I</p> <p>16 actually really liked Pam. I was very</p> <p>17 disappointed -- like, you know how I said Robin kind</p> <p>18 of -- Robin and Liz obviously were not okay being put</p> <p>19 in the middle. They really wanted nothing to do with</p> <p>20 it. Pam was, unfortunately, the opposite. She</p> <p>21 really, really wanted to get in with Susan and</p> <p>22 Melissa's little club or however she chose to see</p> <p>23 that, and was very excited to join the fight against</p> <p>24 me, as she made clear before I sent her this e-mail.</p> <p>25 I believe what Susan was referring to with</p>	<p style="text-align: right;">147</p> <p>1 several, several, several answers marked wrong that</p> <p>2 were correct. So she would mark it wrong and then</p> <p>3 put C as the correct answer right next to where I</p> <p>4 marked C, and she had marked it wrong and minus one</p> <p>5 point and minus one point.</p> <p>6 And at first when I was -- I mean, I was</p> <p>7 being pretty friendly and casual, just kind of like,</p> <p>8 oh, Pam, I think you made a mistake. And she just</p> <p>9 went (indicating) -- okay. And just kind of annoyed.</p> <p>10 And I finally get to the end of the test, and I think</p> <p>11 there were five or six or seven answers marked wrong</p> <p>12 that were incorrectly marked wrong. And so I said</p> <p>13 something like, "So you're going to fix this?" She's</p> <p>14 like, "I'll put it in the book." And I said, "Are</p> <p>15 you going to fix it in the computer, too?" You know,</p> <p>16 because doesn't make any sense. It doesn't actually</p> <p>17 change my grade if you're not fixing it in the</p> <p>18 computer.</p> <p>19 And she said, "Yeah," just exasperated and</p> <p>20 just like, "Okay, that should help." And then she</p> <p>21 got -- she did this little cackle. She's like,</p> <p>22 "Ah-hah-hah, that's not going to help you nearly</p> <p>23 enough."</p> <p>24 And I'm like -- like nothing can help you,</p> <p>25 nobody can help you. I'm like, the dean's going to</p>
<p style="text-align: right;">146</p> <p>1 emotional outbursts was a little bit more deflecting.</p> <p>2 The only two people to yell in this entire time were</p> <p>3 Susan and Pam. And as far as standing over someone,</p> <p>4 she's referring to this incident. I know that Susan</p> <p>5 is referring to this incident, because they really</p> <p>6 tried to twist what Pam did to me into being my</p> <p>7 problem. Gaslighting pretty much has been the name</p> <p>8 of the game.</p> <p>9 But yeah, Pam, this incident, she -- I</p> <p>10 noticed my grades were going down with her very</p> <p>11 quickly, and I never once asked to review a test.</p> <p>12 You can't -- you don't get your tests back. You</p> <p>13 don't get to see your tests after they're graded</p> <p>14 unless you go in right after lecture and review the</p> <p>15 test in person with the teacher.</p> <p>16 Knowing that there is no explanation for</p> <p>17 my grades to suddenly drop, if anything, I was</p> <p>18 working that much harder to come back from the</p> <p>19 deficit from the zeroes and the docking and</p> <p>20 everything that was happening, so I was studying</p> <p>21 harder. So to see my grades going down clued me that</p> <p>22 something might be wrong with Pam, and I asked my</p> <p>23 classmate Joseph Nielson to accompany me to Pam's</p> <p>24 office.</p> <p>25 I reviewed the tests, and there were</p>	<p style="text-align: right;">148</p> <p>1 help me. The dean and the vice president are going</p> <p>2 to help me. And she's like, "We have what's called</p> <p>3 freedom. They can't change our grade. We only</p> <p>4 answer to the nursing board."</p> <p>5 And at this point I'm walking. I had</p> <p>6 stood up when she did the cackle. I was making my</p> <p>7 exit, because I wasn't about to be a part of that.</p> <p>8 It very quickly turned into, you know, making fun of</p> <p>9 me, and no one's going to help me, no one can help</p> <p>10 me.</p> <p>11 So as I was exiting the office, pretty</p> <p>12 far, maybe like seven or eight feet from the desk in</p> <p>13 front of her, or the chair in front of her desk was</p> <p>14 where I was sitting. Got up, did not walk towards</p> <p>15 her, walked to the door. She said, "We only answer</p> <p>16 to the nursing board." I turned around in the</p> <p>17 doorway and said, "It's a good thing I got them</p> <p>18 involved, too," and then continued down the hallway.</p> <p>19 That was turned into I stood over her, I</p> <p>20 yelled, I screamed. And there are just witnesses</p> <p>21 that can absolutely debunk that. So we're good.</p> <p>22 Q. Okay. Did you ever contact the nursing</p> <p>23 board to include a complaint that Pam Wick was also</p> <p>24 singling you out and harassing you?</p> <p>25 A. Immediately this night of this encounter I</p>

<p style="text-align: right;">149</p> <p>1 e-mailed Pam, I e-mailed the nursing board, I 2 e-mailed Dean Saldivar and Tim Dailey. I'm pretty 3 sure I just covered bases of all the people who were 4 involved in the encounter, because she had chosen to 5 insert herself into this without anyone asking her, 6 too. I mean, at least to my knowledge, no one asked 7 her to.</p> <p>8 Q. Did you keep the e-mails that you have 9 sent to the nursing board over the years?</p> <p>10 A. They're in the files, my files. I haven't 11 viewed them in years. So, I mean, I just know that a 12 summary of what happened was included in the e-mail 13 to the nursing board, yes, immediately following this 14 incident.</p> <p>15 Q. Okay. I don't believe I received any 16 e-mails from you to the nursing board, so I'll want 17 to make sure you get those to your attorney, please.</p> <p>18 A. He has -- we have them. That was sent. 19 It should have been sent with Kevin's stuff, because 20 it's in the initial round. Yeah, you definitely 21 should have that, but we will -- we will -- it should 22 have been in your first batch of discovery right with 23 the first file. Pretty sure.</p> <p>24 Q. It's certainly possible I missed it. 25 There was a lot of paper that was provided.</p>	<p style="text-align: right;">151</p> <p>1 been trying to do things the right way, but things 2 aren't being done the right way, and I believe this 3 is why this is happening. And I -- I still --</p> <p>4 I mean, like I said, until that point I 5 thought Saldivar was on my side, too, and to have him 6 in a meeting with Susan Walker, somebody he screamed 7 at for making that claim, and now he's sitting there 8 with her saying that I should submit to an exam with 9 her to satisfy this bogus claim was shocking to me 10 that he participated.</p> <p>11 So at that point, I guess I still hoped 12 that Tim Dailey was someone to be counted on, maybe. 13 So I went to him after that meeting and had a 14 conversation about -- more details about what was 15 happening.</p> <p>16 Q. So that meeting between you, Ms. Walker, 17 and Dean Saldivar, that occurred on May 23rd, right?</p> <p>18 A. I'd have to look at the e-mails to be 19 sure, like I mentioned before. I can compare it to 20 an e-mail --</p> <p>21 Q. Let me pull up what's Bates SWOCC 00120, 22 and we'll mark it as Exhibit 58.</p> <p>23 (EXHIBIT 58 WAS MARKED.)</p> <p>24 A. (The witness reviews the exhibit.) 25 I don't know that that happened. The</p>
<p style="text-align: right;">150</p> <p>1 A. Let me add it to the list. So I have 2 transcripts, possible video with Tim, and you want 3 e-mail to nursing board regarding Pam. Got it.</p> <p>4 Q. Now, after this interaction and for the 5 remainder of May, I understand you remained in e-mail 6 communication with Dean Saldivar and Tim Dailey. 7 Correct?</p> <p>8 A. Yes. It was pretty much I would show up 9 to our meeting, our scheduled meeting where we were 10 finally going to review everything and clear my name, 11 and one of them would not be there and there would be 12 some lame excuse. And that happened maybe three or 13 four times. We scheduled a meeting, it didn't 14 happen; scheduled a meeting, didn't happen.</p> <p>15 I went to Tim and had an impromptu meeting 16 after that meeting I had with Saldivar and Walker 17 where they tried to get me to submit to a practical 18 exam at -- again, specifically inferring that it was 19 to ease -- ease the concern that I was unsafe with my 20 patients. I refused to do it.</p> <p>21 I also went to Tim Dailey on that occasion 22 and told him. Elaborated more on what Melissa had 23 said about the classy women, confided in him about my 24 past and told him, look, this is why I think this is 25 happening; and I didn't want to out myself, but I've</p>	<p style="text-align: right;">152</p> <p>1 e-mail that I can relate to the meeting with Walker 2 and Saldivar was specifically to Saldivar later in 3 the day about my surprise, I guess, about I thought 4 this was an advisory meeting, I feel like subjecting 5 to a practical examination would be further 6 harassment to a derogatory claim that has no merit, 7 something along those lines.</p> <p>8 Whatever date that says is the day that 9 Walker and Saldivar met me -- with me and also the 10 day that I went to talk to Tim Dailey.</p> <p>11 Q. When you met with Tim Dailey, you 12 disclosed to him that you believed Ms. Sperry was 13 singling you out because of your past, you said?</p> <p>14 A. I -- I -- something I had suspected pretty 15 much from the moment she made that comment about it 16 takes a classy woman to be a nurse, unclassy women 17 shouldn't be nurses; but I had chosen to keep very 18 quiet about it because if that were not the case, it 19 was obviously something I was very embarrassed about 20 and wanted to keep quiet. So I wasn't going to go 21 saying, yes, this is what I think when I didn't have 22 any evidence that that was the case. But when 23 Saldivar joined Walker in -- in making such a bold 24 request when he had specifically said that he wasn't 25 going to give that accusation the time of day.</p>

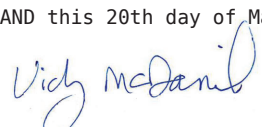
<p style="text-align: right;">153</p> <p>1 After that -- let me rewind a little</p> <p>2 bit -- meeting where Susan made that claim, after the</p> <p>3 hearing, I guess you could say, Tim Dailey and</p> <p>4 Francisco Saldivar took Daymon and I back to Tim's</p> <p>5 office, and we had a big discussion about what Susan</p> <p>6 had just said. And he made it clear that that was</p> <p>7 the last time it would be spoken about. She had no</p> <p>8 right to make that claim, so on and so forth.</p> <p>9 So he's now basically joining her and</p> <p>10 wanting me to submit to her, the person lying about</p> <p>11 this and the ability to grade me on a practical</p> <p>12 examination, one that I had just passed at the end of</p> <p>13 every term just like everybody else, and I wasn't</p> <p>14 going to do that.</p> <p>15 So that's when I started being like, okay,</p> <p>16 there's just no rhyme or reason to what's happening</p> <p>17 here. First it was plagiarism, then it's something</p> <p>18 with patients. And it's anything to make this my</p> <p>19 fault, anything -- anything to just get me out. And</p> <p>20 somehow more and more people are climbing on board</p> <p>21 with that, you know, when it should just be an easy</p> <p>22 resolution.</p> <p>23 I'm offering here to sign a nondisclosure</p> <p>24 agreement. I'm offering to never discuss what they</p> <p>25 were doing to me. I'm making it as easy as possible</p>	<p style="text-align: right;">155</p> <p>1 Q. Okay.</p> <p>2 A. That was my first hint. I didn't share</p> <p>3 that with anyone at the school until it became clear</p> <p>4 that by any means necessary they were going to</p> <p>5 destroy my academic future. That is when -- that</p> <p>6 realization came -- that's when the light came on</p> <p>7 that that was going to be the case when Francisco</p> <p>8 Saldivar completely flipped his position. He still</p> <p>9 hadn't tried to clear me. He'd very much stated to</p> <p>10 Daymon and myself that he was never going to give an</p> <p>11 accusation of me being unsafe with my patients the</p> <p>12 time of day, she said it out of turn, I had nothing</p> <p>13 to worry about; and now here he is sitting in front</p> <p>14 of me to ease that concern that isn't actually a</p> <p>15 concern, as my lab instructor already very much made</p> <p>16 clear that I'm completely safe with my patients.</p> <p>17 Now he's sitting here asking me to submit</p> <p>18 a practical to Susan. Like, let her, this woman who</p> <p>19 is on the warpath and making such a bold and false</p> <p>20 accusation, submit a test to her. And I said, that's</p> <p>21 not happening.</p> <p>22 So to see him flip, and it's just -- and</p> <p>23 to see the -- just amount of dedication that these</p> <p>24 people were showing in coming after me and not -- not</p> <p>25 following through and just adding and stacking and</p>
<p style="text-align: right;">154</p> <p>1 while still letting them know that I will fight tooth</p> <p>2 and nail, that they're not going to just take my life</p> <p>3 from me. I worked too hard to get there.</p> <p>4 So that -- it's at that point I really had</p> <p>5 nothing to lose. I saw where this was going, that</p> <p>6 they were going to get me out no matter what after</p> <p>7 that meeting, and I had nothing to lose by sharing my</p> <p>8 concerns with Tim Dailey about why I thought this was</p> <p>9 happening.</p> <p>10 Q. Okay. And where did this meeting take</p> <p>11 place?</p> <p>12 A. In his office.</p> <p>13 Q. And you don't remember exactly what day it</p> <p>14 was, but you remember it was shortly after the</p> <p>15 meeting with Saldivar and Walker?</p> <p>16 A. I'm pretty sure it was the same day as</p> <p>17 that meeting with Saldivar and Walker.</p> <p>18 Q. Okay. And it's at that meeting that the</p> <p>19 light turned on in your head and you thought, "I'm</p> <p>20 being singled out because of my past in adult films"?</p> <p>21 A. No, it wasn't that day that the light</p> <p>22 turned on in my head. Again, my first inclination or</p> <p>23 suspicion that that is what Melissa was referring to</p> <p>24 was when she said it in her office to me when she</p> <p>25 called me unclassy.</p>	<p style="text-align: right;">156</p> <p>1 adding and stacking, and things were getting worse</p> <p>2 and worse instead of better and better. At that</p> <p>3 point it's like, yeah, you need to just go talk to</p> <p>4 Dailey. You have nothing left to lose. You're</p> <p>5 basically going to be out either way, it's looking</p> <p>6 like, so you need to share your concerns, you need to</p> <p>7 vocalize why you think this is happening so that, you</p> <p>8 know, they can hopefully look into it and understand</p> <p>9 that they don't want to be a part of it.</p> <p>10 Q. So you go and you talk to Mr. Dailey; you</p> <p>11 disclose to Mr. Dailey that you as a teenager had</p> <p>12 worked in adult films and that you believed the</p> <p>13 reason you were being singled out and treated</p> <p>14 differently than your classmates was Ms. Sperry's</p> <p>15 feeling about that past?</p> <p>16 A. Yes.</p> <p>17 Q. And did you ever tell Ms. Sperry yourself</p> <p>18 about your history in adult films?</p> <p>19 A. Only the fear when I had the falling out</p> <p>20 with Jessica, because Jessica is the only one at the</p> <p>21 college that I told. And she turned out to be a bit</p> <p>22 more vindictive or gossipy than maybe I originally</p> <p>23 gave her credit for when we first became friends, I</p> <p>24 guess weaker character than I initially anticipated</p> <p>25 from her. And we lived -- like, we lived together,</p>

<p style="text-align: right;">157</p> <p>1 basically. We lived trailer by trailer. We drove --</p> <p>2 we both were in Coquille, so we carpooled -- we were</p> <p>3 very, very close, but there were just cracks in her</p> <p>4 facade and we ended up having a big falling out.</p> <p>5 And I tried to I guess prepare Melissa in</p> <p>6 case Jessica decided to throw out that huge kind of</p> <p>7 curve ball, so my e-mails to Melissa were me being</p> <p>8 very not wanting to discuss it, but also maybe trying</p> <p>9 to prepare her or the nursing program that something</p> <p>10 might be coming. It never got that far, and I never</p> <p>11 ended up having a specific discussion with Melissa</p> <p>12 about adult films or anything specifically. Just</p> <p>13 what you saw in those e-mails.</p> <p>14 Q. I'm going to try to clarify some things,</p> <p>15 and I'm going to do this with hopefully yes-or-no</p> <p>16 questions, just to keep us on the same page. I've</p> <p>17 put up on the screen what we previously marked as</p> <p>18 Exhibit 30, and it's an e-mail from you to Ms. Sperry</p> <p>19 dated March 14th, 2018. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And is this the e-mail that you're</p> <p>22 referring to where you gave Ms. Sperry a heads up</p> <p>23 that you had had a falling out with Jessica and that</p> <p>24 she was aware of some things from your past that you</p> <p>25 weren't proud of?</p>	<p style="text-align: right;">159</p> <p>1 a couple years of my life that was eventful and --</p> <p>2 but getting into the specifics, no, you're correct, I</p> <p>3 did not.</p> <p>4 Q. And the first time that you told anyone at</p> <p>5 SWOCC, any faculty member or administrator, is when</p> <p>6 you met with Mr. Dailey in this meeting we were just</p> <p>7 talking about. Correct?</p> <p>8 A. Correct.</p> <p>9 Q. Now, earlier in this litigation process I</p> <p>10 had sent you some interrogatories asking about why</p> <p>11 you believe Ms. Sperry was motivated by your past in</p> <p>12 adult films and how she treated you with regard to</p> <p>13 your grades and your assignments, and the response I</p> <p>14 got was that you believed an estranged family member</p> <p>15 must have passed along that information or could have</p> <p>16 passed along that information. Do you recall that?</p> <p>17 A. Yes. My -- I specifically heard my</p> <p>18 brother-in-law admit to doing so.</p> <p>19 Q. Who's your brother-in-law?</p> <p>20 A. Allen Ryan Moon.</p> <p>21 Q. What did Ryan Moon admit? Did he tell</p> <p>22 someone at SWOCC?</p> <p>23 A. He said that he bribed my niece into</p> <p>24 telling the nursing program. He didn't elaborate on</p> <p>25 who she told or anything like that. But as we went</p>
<p style="text-align: right;">158</p> <p>1 A. Yes.</p> <p>2 Q. And you confirmed earlier that this e-mail</p> <p>3 communication is the extent of your conversation with</p> <p>4 Ms. Sperry about that issue. You never had any</p> <p>5 in-person conversations with her about it?</p> <p>6 A. Correct.</p> <p>7 Q. And it's an accurate statement that the</p> <p>8 only person associated with SWOCC who you told about</p> <p>9 being in adult films as a teenager was Jessica.</p> <p>10 Correct?</p> <p>11 A. Not -- when you say "associated," that's</p> <p>12 too much of a broad term.</p> <p>13 Q. Let's say you never told any faculty</p> <p>14 members about your history in adult films, correct?</p> <p>15 A. Correct.</p> <p>16 Q. You never told any administrators,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Now let's go with classmates. Any</p> <p>20 other than Jessica?</p> <p>21 A. No. I know that I had written about</p> <p>22 modeling I think at some point in a paper in</p> <p>23 undergrad, but I was very careful not to say what</p> <p>24 type. Just, it was in reference to traveling and</p> <p>25 things like that, or just my experience. But it was</p>	<p style="text-align: right;">160</p> <p>1 back to press him later, as my legal counsel and</p> <p>2 himself, he denies having any involvement. So</p> <p>3 whether he was -- I, again, heard it firsthand, but</p> <p>4 whether he actually did it or was just -- he's not</p> <p>5 exactly an honest person, he's a con artist, so</p> <p>6 there's a possibility he was making it up. I don't</p> <p>7 know.</p> <p>8 Q. Okay. And I guess that's the important</p> <p>9 thing for your testimony today. You don't know if</p> <p>10 anyone who was aware of your past told any</p> <p>11 administrator or instructor at SWOCC about it before</p> <p>12 you talked to Tim Dailey about it, correct?</p> <p>13 A. I only -- I only know that he confessed to</p> <p>14 it, but I don't know that that would be the truth</p> <p>15 because he's saying something else now, so I'm not</p> <p>16 sure which one's true.</p> <p>17 Q. Sure. Mr. Moon, the con artist, told you</p> <p>18 that he bribed your niece -- is that Cindy Nathe?</p> <p>19 A. Nathe.</p> <p>20 Q. N-a-t-h-e, to disclose this to someone at</p> <p>21 the nursing department; but you have no idea if</p> <p>22 that's true or not, right?</p> <p>23 A. Correct. And he didn't tell me -- he was</p> <p>24 on speakerphone. He didn't know he was on</p> <p>25 speakerphone. He told Daymon. First, my family told</p>

<p style="text-align: right;">161</p> <p>1 me that Daymon had done it, then once Daymon -- once</p> <p>2 I got custody of Piper and Daymon and I had to start</p> <p>3 co-parenting again, I specifically told him I would</p> <p>4 never forgive him for telling the school about my</p> <p>5 past. And he's like, That doesn't even make sense.</p> <p>6 Why would I sabotage you? We were basically a family</p> <p>7 unit when all of this occurred; why would I hurt you?</p> <p>8 It doesn't make sense. Think about it. It was your</p> <p>9 family. They admitted to me that they did it.</p> <p>10 I'm like, okay, I don't even care. I</p> <p>11 just -- I don't even care. You both are pointing</p> <p>12 fingers at each other. Basically you can both F off</p> <p>13 on the subject. Just forget it.</p> <p>14 He was like, no, really, I need you to</p> <p>15 believe me so we can co-parent without there being</p> <p>16 this tension. What can I do?</p> <p>17 And I said, You can call Ryan on</p> <p>18 speakerphone right now and let me hear him confess to</p> <p>19 it. And he did. He's like, Why is Niki under the</p> <p>20 impression that I told the school that she had a past</p> <p>21 in porn? And he's like, Whatever, dude. I told her</p> <p>22 that we did it. I told her -- you know, you know.</p> <p>23 It was in retaliation for turning me in to Sause</p> <p>24 Brothers. I told her everything. It's okay. I</p> <p>25 never threw you under the bus.</p>	<p style="text-align: right;">163</p> <p>1 (A discussion was held off the record.)</p> <p>2 Q. (By Mr. Reese) Ms. Gililland, I</p> <p>3 apologize. I don't have it ready to pull up here,</p> <p>4 but I do have an e-mail from you to Dean Saldivar.</p> <p>5 Subject line is "Copy of a complaint." The</p> <p>6 attachment is "SWOCC complaint," and I believe this</p> <p>7 document was sent Thursday, May 24th, 2018. Does</p> <p>8 that help refresh your memory as to when you may have</p> <p>9 sent this to Dean Saldivar?</p> <p>10 A. I will absolutely take your word that that</p> <p>11 is when I sent it to Dean Saldivar, if that's the</p> <p>12 timestamp on the e-mail.</p> <p>13 Q. Great. Appreciate that. And was this</p> <p>14 after your meeting with Tim Dailey where you</p> <p>15 disclosed your suspicion as to Ms. Sperry's</p> <p>16 motivations?</p> <p>17 A. Again, I'd have to see the e-mail that I</p> <p>18 sent to Francisco Saldivar immediately following that</p> <p>19 meeting or sometime that day of the meeting, and then</p> <p>20 I could tell you if it came before or after. So if</p> <p>21 we can find the e-mail that I sent to Dean Saldivar</p> <p>22 about that meeting and how, I guess, inappropriate I</p> <p>23 thought it was, then I can say, okay, that's the same</p> <p>24 day I met with him, and then that may or may not have</p> <p>25 come before or after the date you just mentioned.</p>
<p style="text-align: right;">162</p> <p>1 So I was listening in to him say that.</p> <p>2 Q. You heard Ms. Sperry testify earlier this</p> <p>3 week that -- well, I don't know if you heard or not.</p> <p>4 Is it your understanding that Ms. Sperry has denied</p> <p>5 knowledge of your past in porn?</p> <p>6 A. Yeah. I caught her denying a lot, yes.</p> <p>7 Q. Other than what you heard from Mr. Moon,</p> <p>8 do you have any reason to believe that someone told</p> <p>9 her about your history?</p> <p>10 A. Other than that confession, I have no</p> <p>11 specific hard anything, no.</p> <p>12 Q. So I'm putting up on the screen now what's</p> <p>13 Bates labeled SWOCC 289. Do you recognize this as</p> <p>14 the complaint e-mail that you sent to Dean Saldivar?</p> <p>15 A. Actually, that was the complaint e-mail</p> <p>16 that I sent to the state board of nursing. That's</p> <p>17 who the intended party was; but yeah, it got sent to</p> <p>18 Saldivar, too.</p> <p>19 Q. Do you recall when you sent it to Dean</p> <p>20 Saldivar?</p> <p>21 A. I don't recall when I sent it to him.</p> <p>22 Probably right around the same time I sent it to the</p> <p>23 state board of nursing.</p> <p>24 MR. REESE: Let's go off the record for</p> <p>25 one second.</p>	<p style="text-align: right;">164</p> <p>1 So --</p> <p>2 Q. Okay. Is it fair to say that this was all</p> <p>3 occurring within a couple days of each other, one way</p> <p>4 or another, at the end of May 2018?</p> <p>5 A. Very close to each other, yes.</p> <p>6 Q. Okay. I ask that because in this</p> <p>7 complaint I don't see any reference to concerns that</p> <p>8 Ms. Sperry was treating you differently because of</p> <p>9 what you did as a profession when you were a</p> <p>10 teenager. Was it omitted for some specific reason?</p> <p>11 Do you recall why that wasn't brought up here,</p> <p>12 although you raised it with Mr. Dailey?</p> <p>13 A. Again, I was very careful not to bring it</p> <p>14 up, and I know that this was at least typed before my</p> <p>15 meeting with him. I believe if we look back at the</p> <p>16 e-mails with the nursing board specifically, we'll</p> <p>17 find out exactly when it was sent, and it was typed</p> <p>18 maybe a week before that, so -- or it says when it</p> <p>19 ended -- it says it is now whatever date. So --</p> <p>20 Q. Did you type this on a computer that you</p> <p>21 still have access to?</p> <p>22 A. I don't have access to the computer, but I</p> <p>23 still have the file saved. Today is May 24th, so it</p> <p>24 says in there. I'm not sure what day I sent it to</p> <p>25 Saldivar. Was it the same day?</p>

<p style="text-align: right;">165</p> <p>1 Q. So is it -- it's a fair assumption, 2 though, that although you don't mention the concern 3 about Ms. Sperry's motivations, you had those 4 concerns at the time that you prepared this document? 5 A. I had those concerns; but yeah, I was 6 definitely trying to keep it on the facts and what 7 was happening, because I felt like that was more than 8 enough for sure. 9 Q. That last one, which would have been 10 SWOCC 289, I don't believe I gave you an exhibit to. 11 Let's see. That is Exhibit -- 12 MR. MARK: 59. 13 MR. REESE: -- 59. This next one is going 14 to be SWOCC 551, which will be Exhibit 60. 15 (EXHIBITS 59 AND 60 WERE MARKED.) 16 Q. (By Mr. Reese) So this is the next day, 17 the 25th. You got an e-mail from Tim Dailey. Do you 18 remember receiving this e-mail, Exhibit 60? 19 A. No. 20 Q. Go ahead and take a look at it. It looks 21 like it has attachments, Discrimination and 22 Harassment Complaint and Discrimination and 23 Harassment Policy. Do you recall being provided 24 those forms by Mr. Dailey at any time? 25 A. Yeah. He also gave me an official</p>	<p style="text-align: right;">167</p> <p>1 was happening and it was getting worse every day. 2 Like, I know we're getting pretty close to 3 that point. Like, that I -- it was -- it was -- it 4 was taking everything out of me, like, to hang on 5 through everything that was happening. Every day on 6 campus was like a year of torture all crammed into 7 one day. So I was fading. I was -- yeah, I was 8 looking for help from anyone. I was sending out an 9 SOS. I wanted help desperately. 10 Q. And I know from what I've had a chance to 11 review that in addition to everything that was going 12 on that we're talking about, you also had events 13 going on with your ex-husband. Correct? 14 A. Yes. Daymon is good as long as everything 15 is kept calm for him. Like, he basically needs a 16 mother at all times where he -- he functions just 17 fine, he co-parents just fine. He's okay, just fine, 18 as long as there's nothing upsetting happening. He 19 can't handle stress, and when he is stressed out he 20 will get angry and lash out, and that's usually where 21 violence will occur. 22 I couldn't coddle him during this time 23 because I was barely hanging on myself. So on top of 24 everything that was happening at school, I was also 25 getting pushed around at home again.</p>
<p style="text-align: right;">166</p> <p>1 complaint form to fill out and return, and I did that 2 as well. 3 Q. Okay. And this was after your meeting 4 where you discussed with him your concerns about 5 Ms. Sperry's motivation? 6 A. Again, it would really have to be compared 7 to the date that I sent that e-mail to Francisco. So 8 if we need to take a quick break and find that 9 e-mail, then I can say for sure if it came before or 10 after. 11 Q. In your complaint letter you had 12 referenced a complaint to ACCSC. Here Mr. Dailey is 13 saying he's not familiar with that organization and 14 asking what it stands for. Do you recall what those 15 initials stand for? 16 A. I think it was like an accreditation, like 17 a school accreditation. I was literally finding and 18 just filing a complaint with anybody relating to 19 colleges, their funding, their accreditation -- 20 anybody. So -- 21 Q. What was your intent in complaining to 22 anyone and everyone? 23 A. To let them know exactly what was 24 happening at the college, since the college 25 themselves were refusing to do anything about what</p>	<p style="text-align: right;">168</p> <p>1 Q. And all of these events led to you having 2 a suicide attempt on June 8th, right? 3 A. Yes. 4 Q. After that experience, did you receive 5 mental health counseling? 6 A. I actually received it -- I was in therapy 7 while this was happening. You should have those 8 records. What was happening at school was obviously 9 the focal point of every session, trying to maintain, 10 like I said, and stay afloat while all of these 11 events were occurring. I know I saw her records 12 somewhere. I believe those were provided by Kevin 13 Gregg again. 14 So, yeah, therapy. A week before my 15 suicide attempt, however, my therapist moved away. 16 Right before I committed suicide, or tried to commit 17 suicide I went to the counseling office at SWOCC 18 because the thoughts were there; the intent was 19 there. I could feel myself seeing that more and more 20 a solution, and so I went to the counseling office at 21 SWOCC and met with Susan Stuntzner. 22 I called the suicide hotline the night 23 before my attempt. I was trying pretty hard to find 24 something to hold on to without telling people that I 25 was suicidal, because I knew that would set me up for</p>

<p style="text-align: right;">169</p> <p>1 a psych hold and give them what they wanted. And so 2 trying to get help while navigating the gaslighting 3 and what they were trying to do was particularly 4 tricky. 5 Q. I'm afraid -- I don't think I've received 6 any counseling records either before your suicide 7 attempt or after, which is important for me to be 8 able to see. So I'll follow up. 9 MR. MARK: Yeah, I'm pretty sure that 10 that's -- you should definitely look again, but we'll 11 get you everything. 12 THE WITNESS: It's with Lisa Brauer, 13 B-r-a-u-e-r, I think. 14 Q. (By Mr. Reese) Yeah. I'm not giving any 15 motivation behind this. I just -- I truly don't 16 think I have them. So it could have been some 17 confusion between the switch of attorneys. 18 A. I'm definitely keeping a list for you, 19 everything that you say. So -- 20 Q. Well, let's complete that list while we're 21 on it. I had asked for any applications for 22 financial aid for additional schooling. I understand 23 from your interrogatory responses that there's 24 concern that the way that your time ended at SWOCC is 25 impacting your ability to get financial aid. So --</p>	<p style="text-align: right;">171</p> <p>1 Q. (By Mr. Reese) So, Ms. Gililland, this is 2 what we previously marked as Exhibit 13. 3 A. Okay. 4 Q. And this is the e-mail you're referring to 5 as the "I don't feel like this was an advisory 6 appointment"? 7 A. Yes. 8 Q. Okay. So this was sent on Tuesday, 9 May 29th. Does that refresh your recollection that 10 that meeting likely occurred on May 29th? 11 A. That's what I was talking about, but it's 12 saying last week. So this is a Tuesday; so, I mean, 13 it could or could not have been pretty much right the 14 exact same time we're discussing, the May 25th. So 15 if we have -- if we have the e-mail to Saldivar, I 16 wrote it that day. So that would be the exact date 17 that I went to meet with Tim Dailey. 18 Q. Okay. As we're going through the May and 19 June 2018 deadline, I understand that you did not 20 turn in assignments in your classes, and I'll use 21 that term to apply to all three of the courses that 22 you were in. Did you miss any assignments during 23 that time frame? 24 A. I did not. When the term ended I was 25 passing patho and pharmacology, and I had gotten</p>
<p style="text-align: right;">170</p> <p>1 A. Yeah. 2 Q. -- if that's the case, I'd like to see the 3 financial aid applications. 4 A. The only concern with the way things ended 5 at SWOCC was, of course, for law school 6 consideration. And so I had a telephone meeting with 7 some people very high up on the law school admissions 8 council where I explained the case, what Melissa did; 9 and they absolutely agreed that my transcripts from 10 SWOCC should have no bearing on my acceptance to law 11 school. So I was thankfully able to include them, 12 without including them, and make all the law schools 13 aware that they're in active litigation for faulty 14 grades. 15 MR. REESE: Okay. I asked for medical 16 records for this time frame, and I have them through 17 April of 2018, but I don't see any for May, June, or 18 July 2018. So this is more of a statement to 19 Brandon. I'd like some follow-up on those. 20 MR. MARK: We can certainly follow up on 21 that. I think if you want -- you know, if you need a 22 HIPAA release or something, you want a list of 23 providers. I'm not sure that she has them is the 24 problem. 25 MR. REESE: Okay. Okay.</p>	<p style="text-align: right;">172</p> <p>1 Nursing 112 up to a 71 percent. More than a month 2 after the term had ended, they had gone in and 3 changed I believe the patho grade to failing as well. 4 So had the -- the Nursing 112 been 5 remedied like this was promised, I would have more 6 than passed all of my classes. And, again, there was 7 no missing assignments. 8 I believe what she's probably referring to 9 now is a retrospective plan to cover up the grading 10 and changing the grades like they did. But I was 11 never once told that that practical examination, 12 which is the only thing I didn't do, I was never once 13 told that that was for grading or for makeup reasons. 14 I was told that was to prove I was safe for my 15 patients again. 16 Q. Okay. 17 A. So nothing -- I didn't miss anything. I 18 didn't -- 19 Q. Let's see if this refreshes your memory. 20 This is an e-mail from Melissa. Well, let's start 21 with this one that's on the screen now, a May 21st 22 e-mail from you to Melissa Sperry. It is SWOCC 519, 23 and we'll mark it as Exhibit 61. 24 (EXHIBIT 61 WAS MARKED.) 25 Q. It looks like on May 21st Ms. Sperry wrote</p>

<p style="text-align: right;">173</p> <p>1 in your Pathophysiology Processes II course, you 2 got -- I'll go down -- you got the feedback saying, 3 "Hi, Nicole. I did not receive your endocrine 4 assignment here or in an e-mail. Did you submit it 5 in a different area?"</p> <p>6 Do you remember getting that e-mail --</p> <p>7 A. I don't remember.</p> <p>8 Q. -- on May 21st?</p> <p>9 Okay. It looks like you responded, "No, I 10 didn't. I spent about four to five hours on it and 11 then decided to forego the assignment due to how much 12 time it was taking me and I needed as much time as I 13 could to study because I found endocrine to be very 14 challenging. I apologize, but considering my current 15 predicament, I had to choose which was more important 16 grade-wise. I am happy to submit what I did or 17 complete it tomorrow if you would like."</p> <p>18 A. I -- I don't remember this.</p> <p>19 Q. Okay.</p> <p>20 A. But yeah, the -- being conscience of 21 points and everything was absolutely an obsession at 22 this point, so if I chose to forego a very 23 small-pointed assignment to do extraordinarily well 24 on a bigger-pointed assignment, that would make a lot 25 of sense.</p>	<p style="text-align: right;">175</p> <p>1 A. Okay, slow down. Yeah, this is, again, 2 explaining something that was sprung on us that 3 I didn't complete, I guess.</p> <p>4 Q. So you don't remember them as you sit here 5 today, but it's certainly possible that you did not 6 turn in all the assignments that you were asked to 7 turn in during the May and June 2018 time frame?</p> <p>8 A. It is very possible that I forewent very 9 small-pointed assignments in lieu of, like I said, 10 effort towards much bigger.</p> <p>11 MR. REESE: Let me take a five-minute 12 break, get organized, and then we'll wrap up. 13 (Recess from 3:43 p.m. to 3:49 p.m.)</p> <p>14 MR. REESE: I don't have any more 15 questions, Ms. Gililland. I appreciate your time, 16 and I appreciate you following up on those documents. 17 And I know Brandon will point me in the right 18 direction if I've just misplaced them someplace.</p> <p>19 THE WITNESS: Yeah, we'll make sure you 20 get them.</p> <p>21 MR. MARK: All right.</p> <p>22 MR. REESE: Brandon, that's it for the 23 day.</p> <p>24 (The deposition concluded at 3:50 p.m.) 25 * * *</p>
<p style="text-align: right;">174</p> <p>1 I was working maybe 20 hours a day to 2 bring my grades up at this point. Probably not good 3 for where it all ended up or may be a factor, but I 4 absolutely was working 20 hours a day to get caught 5 up. And not only did I rebound my grades completely 6 in two of the classes from F's all the way up to 7 passing, I came very close with the third class. So 8 I would say I did okay.</p> <p>9 And that, again, was before any grades 10 being changed or fixed, because they never were 11 changed back or fixed. This is still coming back up 12 to passing in spite of all the grades that were 13 manipulated and changed.</p> <p>14 Q. Okay. But with the benefit of this 15 e-mail, would you like to change your answer to my 16 question of whether or not you were unable to turn in 17 some assignments in the May and June 2018 time frame?</p> <p>18 A. I don't -- again, I do not remember this. 19 If I chose a small assignment to forego to do good on 20 a big assignment, that would make sense. But I don't 21 recall this, no.</p> <p>22 Q. Okay. Let's put up SWOCC 521, which will 23 be Exhibit 62.</p> <p>24 (EXHIBIT 62 WAS MARKED.)</p> <p>25 Q. So this looks like --</p>	<p style="text-align: right;">176</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Vicky McDaniel, Registered Professional 4 Reporter and Certified Shorthand Reporter in and for 5 the State of Utah, do hereby certify:</p> <p>6 That prior to being examined, the witness, 7 NICOLE GILILLAND, was remotely by me duly sworn to 8 tell the truth, the whole truth, and nothing but the 9 truth;</p> <p>10 That said deposition was taken down by me 11 in stenotype on March 12, 2021 through a Zoom 12 videoconference and was thereafter transcribed, and 13 that a true and correct transcription of said 14 testimony is set forth in the preceding pages, 15 according to my ability to understand through Zoom.</p> <p>16 I further certify that, a request having 17 been made to review the transcript, a reading copy 18 was sent to Mr. Mark for the witness to read and sign 19 and then return to me for filing with Mr. Reese.</p> <p>20 I further certify that I am not of kin or 21 otherwise associated with any of the parties to said 22 cause of action and that I am not interested in the 23 outcome thereof.</p> <p>24 WITNESS MY HAND this 20th day of March, 25 2021.</p> <p style="text-align: center;"> Vicky McDaniel, CSR, RMR</p>

177

1 Case: Gililland v. SWOCC
 Case No.: 6:19-cv-00283-MK
 2 Reporter: Vicky McDaniel
 Date taken: March 12, 2021

WITNESS CERTIFICATE

3
 4 I, NICOLE GILILLAND, HEREBY DECLARE:
 5 That I am the witness in the foregoing
 6 transcript; that I have read the transcript and know
 7 the contents thereof; that with these corrections I
 have noted, this transcript truly and accurately
 8 reflects my testimony.

9 PAGE/LINE	CHANGE/CORRECTION	REASON
10		
11		
12		
13		
14		
15		
16		
17		
18		

19 ____ No corrections were made.

20
 21 I, NICOLE GILILLAND, HEREBY DECLARE UNDER THE
 PENALTIES OF PERJURY OF THE LAWS OF THE UNITED STATES
 OF AMERICA AND THE LAWS OF THE STATE OF
 22 THAT THE FOREGOING IS TRUE AND CORRECT.

23
 24 DATE NICOLE GILILLAND
 25